

Parliamentary Survey Report



September 2004





Federation of Women Lawyers - Kenya

Parliamentary Survey Final Report September 2004

By Okumba Miruka Consultant



Contents

Abbreviations	v
Acknowledgements	vi
Foreword	vii
Chapter One : Introduction	1
Chapter Two: Survey Methodology	9
Chapter Three : Survey Findings	11
•Part One: Positions Held by Legislators During Parliamentary Debates	11
•Part Two: Pronouncements of Legislators Reported in the Print Media	19
•Part Three: Primary Responses	27
Chapter Four: Summary and Conclusions	35
Chapter Five: Recommendations	47
Annex One: List of Respondents	53
Annex Two: List of Activities Held by Fida For MPs	54
Annex Three: Number of Respondents Who Attended Various Fida Events	55
Annex Four: Newspaper Clippings on Women's Rights Issues	56
Annex Five: Frequency Table on Topics Commented on by Various MPs as Covered by Print Media	63
Annex Six: Questionnaire for Fida Staff	65
Annex Seven: Questionnaire for Members of Parliament	67



Abbreviations

AIDS	Acquired Immune Deficiency Syndrome
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CNU	Coalition for National Unity
COTU	Central Organisation of Trade Unions
COVAW	Coalition on Violence Against Women
CSO	Civil Society Organisation
CSW	Committee on the Status of Women
ECWD	Education Centre for Women in Democracy
FIDA	Federation of Women Lawyers
FGC	Female Genital Cutting
FGM	Female Genital Mutilation
HIV	Human Immunodeficiency Virus
IED	Institute for Education in Democracy
JKUAT	Jomo Kenyatta University of Agriculture and Technology
KEWOPA	Kenya Women Parliamentary Association
KHRC	Kenya Human Rights Commission
KNUT	Kenya National Union of Teachers
MP	Member of Parliament
NARC	National Rainbow Coalition
NAK	National Alliance of Kenya
PAC	Public Accounts Committee
PIC	Public Investments Committee
PRSP	Poverty Reduction Strategy Paper

Acknowledgements

The publication of this report provides an analysis of FIDA's engagement with parliamentarians with a view to lobbying for policy and legislative reforms in the area of women's rights. In order to evaluate FIDA's activities with the Kenyan parliamentarians and to measure our impact, a survey was undertaken. The findings of the said survey are published in this report.

We wish to acknowledge the efforts of everybody who contributed to the publication of this report. In particular, our sincere gratitude goes to Okumba Miruka, an expert in his field, who conducted the survey and authored this report.

We wish to sincerely thank the parliamentarians for their readiness to collaborate with FIDA, to participate in the activities FIDA has organized in the past six years thus showing their commitment towards the cause of women in our society.

Our deep gratitude goes in particular to all the parliamentarians, ministers and FIDA staff members, who contributed to the findings of this report by taking time off their busy schedules to participate in group discussions and interviews. Without their feedback and opinions the analysis would not have been comprehensive. Our special thanks go to Robinson Githae, Hon. Njoki Ndungu, Hon. Billow Kerrow, Hon. Mwanchia Okioma, Hon. Jimmy Angwenyi, Hon. Jayne Kihara, Hon. Jim Choge, Hon. Esther Keino, Hon. Najib Balala, Hon. Bonaya Godana, Hon. William Ruto, Hon. Marsden Madoka and Hon. Beth Mugo.

We are sincerely grateful to the FIDA Kenya Council members, in particular Joyce Majiwa-Chairperson, Violet Mavisi-Vice Chairperson, Muthoni Gichohi-Secretary, Violet Awori-Treasurer, Fatuma Sichale, Betty Mwenesi, Christine Agimba, Christine Muga, Esther Jowi, and Lucy Ole Kina for providing guidance and supporting the work of the organization.

Special thanks also go to the Noel Creative Media Ltd. for their input and layout of the report for publication.

This report would not have been possible without the continued support of our funding partner USAID. We wish to express our heartfelt appreciation to them for the continued support.

Last but not least we wish to earnestly thank the FIDA Kenya staff for their tireless efforts that ensured the successful publication of this report.

Jane Onyango
Executive Director
FIDA Kenya

Foreword

FIDA Kenya's mission is the continuous and sedulous engagement in advocating women's rights at all levels of society. Our vision is to help create a just society that is free of discrimination against women. As one of the leading women rights organizations, the Federation of Women Lawyers-(FIDA Kenya) is actively involved in shaping legislation and raising awareness for women issues in Kenya. We seek for steady improvement of the situation of women in our society at the grassroots as well as on the legislative level. In this regard, we recognise that Parliament and the Judiciary are the potential shapers of the legal framework and therefore work with them in order to influence legislative and policy change for women. Out of this we expect increased commitment by policy makers to include women's human rights violations in the reform agenda, change of laws relating to women's rights and policy changes that are favourable to women.

The following report, which involved a comprehensive survey, presents the findings of a study undertaken to evaluate the involvement of FIDA Kenya at the parliamentary level and the outcome of the work that FIDA Kenya has been doing with parliamentarians over the period of the last six years.

The introduction chapter gives general background information on the project and the survey. It introduces the strategic plan FIDA developed and in which the survey is embedded. Furthermore, it describes in detail the manifold activities FIDA has undertaken in working with parliamentarians during the years 1998 to 2004 so as to influence legislative and policy change. Chapter Two describes the methodology used to conduct the survey, and gives information on sources and samples of the research. It also identifies factors that facilitated as well as factors that challenged the research.

The third Chapter presents the findings of the survey. The chapter is divided into three sub-parts. The first part looks at the positions held by legislators during parliamentary debates as analysed from Hansard records. Therefore, the debates on the affirmative Action Bill of 2000 and the Domestic Violence (Family Protection) Bill of 2002 were evaluated. The second part of chapter three analyses the pronouncements of legislators reported in the print media during the years 2003 and 2004. By means of this sources seventeen topics regarding to women's issues were identified and quantified. The third part of the chapter evaluates the primary responses gained from interviews and focus group discussions conducted among the members of parliament as part of the study.

Chapter four presents the findings of the survey in a comprehensive and summarized manner. Also, conclusions are generated and strengths and weaknesses in FIDAs work with parliamentarians are identified. Based on these conclusion recommendations are elaborated and described in detail in the last chapter of the report. The recommendations are partly developed out of the feedback the respondents made during the survey as well as out of the findings of the analysis undertaken by the consultant.

Jane Onyango
Executive Director
FIDA Kenya



Members AGM at the Panafric Hotel on 26th March 2004

Introduction

FIDA's Strategic Plan

In its Strategic Plan (2001-2005), FIDA organises its work around five programmes, namely:

- Legal Aid Services.
- Women's Rights Monitoring and Advocacy.
- Gender and Legal Rights Awareness.
- Public Relations and Fundraising.
- Institutional Strengthening.

The Women's Rights Monitoring and Advocacy Programme specifies that FIDA will "strengthen the capacity of the judiciary and parliamentarians on international human rights instruments"¹. The plan adds that the programme "will work in conjunction with the Legal Aid Services Programme to collate laws that require reform and develop advocacy strategies to engage parliamentarians with this in mind"². Further on, the plan clarifies that part motivation of this engagement with the judiciary and Parliament is to ensure that "the Government's international commitments are domesticated"³. The work is based on the recognition of Parliament and the judiciary as the "potential shapers of the legal framework"⁴.

The specific activity to achieve this is "training of parliamentarians and members of the judiciary in international human rights instruments". The expected results are stipulated as: increased commitment by policy makers to include women's human rights violations in the reform agenda; change of laws relating to women's rights; and policy changes that are favourable to women⁵. In order to gauge achievement of the intended results, FIDA indicates the means of verification as "request for information by parliamentarians" and specifies that it would do this through "quarterly review of both parliamentary Hansard reports and court records"⁶.

Relevant Conventions and Treaties Ratified by Kenya

- Universal Declaration of Human Rights.
- African Charter on People's and Human Rights.
- International Covenant on Civil and Political Rights (and its optional protocol).
- International Covenant on Economic, Social and Cultural Rights.
- Convention on the Elimination of All Forms of Discrimination against Women (and its optional protocol).
- UN Fourth World Conference on Women (Beijing Platform for Action).
- The Nairobi Forward Looking Strategies.
- International Convention on the Elimination of All Forms of Racial Discrimination.
- Convention on the Rights of the Child.
- Convention Relating to the Status of Refugees & Protocol Relating to Status of Refugees.
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

¹ Strategic Plan 2001-2005, p. 7,

² Ibid,

³ Ibid, p.16,

⁴ Ibid, p.18,

⁵ Ibid, p.25,

⁶ Ibid, p.42

The core messages that FIDA sends to the MPs through the various activities it carries out with them, are that:

- Women's rights are human rights.
- There is need for gender responsive pieces of legislation.
- Affirmative action is necessary as one way of overcoming gender disparities and MPs can legislate for it.
- There is need to include women in all levels of decision making.
- There are existing policy gaps to gender mainstreaming.
- Electoral practices lead to violation of women candidates and should be revised.

FIDA expects the MPs to use the knowledge, attitudes and skills gained to initiate gender sensitive motions, articulate gender dimensions of parliamentary Bills, make gender responsive public pronouncements, press for domestication of international instruments into national law and mainstream gender in party structures, legislation and their routine activities.

The Activities

In order to actualise the strategic choice of working with parliamentarians to influence legislative and policy change, FIDA has organised and undertaken the following major events narrated in chronological order from the earliest to the latest.

Presentation to the Committee of Parliamentarians on Constitutional Review

On May 11, 1998, FIDA presented the document "Women as Partners within the Constitution Review Process" to the Parliamentary Committee on the Constitutional Review Process at Bomas of Kenya. In this paper, FIDA articulated the position that the constitutional review process "must be participatory and involve all Kenyan women and men". It observed that "during the Lancaster House process in 1962, women were excluded from presenting their views and actively participating in the deliberations that led to the creation of our current constitution". It posed the question: "Can a constitution that ignores the needs and aspirations of over half the population stand the test of time?" Some gender-specific recommendations made in the paper were that:

- Half of the constitutional review commissioners should be women.
- The commission could be chaired by a woman and that, where the chair is of one sex, the assistant must be of the other.
- The data collection process for the review should recognise that more women are illiterate and therefore the language used for data collection should allow Kenyans to use the languages they are most comfortable with.

Dissemination Workshop on Draft Equality Bill

On September 7, 2000, FIDA hosted a workshop in Nairobi to disseminate the draft Equality Bill. The workshop covered awareness raising on the nature of discrimination, an overview of the Bill and a panel discussion. It was attended by government officers, civil society personnel and activists. The only Member of Parliament in attendance was Hon. Martha Karua, the architect of the Bill, who also gave its overview. The key recommendation of the workshop was that more stakeholders should be consulted to give their inputs for improvement of the Bill.

Parliamentary Committees Workshops

In February 2001, FIDA held a workshop for the Health and Legal Affairs committees of Parliament to discuss specific Bills then before Parliament. The participants were drawn from government and opposition ranks and consisted mainly of those FIDA considered allies in addressing women's rights issues and concerns.

Workshop on the Role of Parliamentarians on Implementation of International Treaties and Conventions

On April 5, 2001, FIDA held a workshop for parliamentarians on their role in implementing international treaties and conventions. The objectives of the workshop were:

- To introduce and acquaint the parliamentarians and other participants with various international human rights instruments, particularly those that Kenya is signatory to; and
- To discuss ways in which parliamentarians can contribute towards the application of the various international and regional women's human rights instruments and conventions in the Kenyan setting.

Officially opened by the Minister for Home Affairs, Heritage and Sports, Hon. Noah Katana Ngala, with a keynote address by the Speaker of the National Assembly, the workshop covered a variety of interrelated topics through paper presentations. These were specifically the following presentations: "Women's Rights as Human Rights: Obstacles and Opportunities"; "The International Covenant on Civil and Political Rights"; "Conventions on Women's Rights"; "Think Globally, Act Locally - Using International Treaties for Women's Empowerment"; "Regional and Human Rights Instruments and Treaty Monitoring Bodies"; "Home-grown Practices for Equality"; and "The Status of Ratification and Implementation of the Rome Statute of Africa".

The workshop was organised as part of FIDA's efforts to enhance the legislative capacity of parliamentarians for gender equality in the belief that "knowledge is power"¹. This point was reiterated by the Speaker of the National Assembly, Hon. Francis Ole Kaparo, stating that members of Parliament who are well informed can "debate from a point of knowledge"². The role of parliamentarians with regard to these instruments was well captured by Hon. Martha Karua when she said that "parliamentarians are the law makers and their standing orders allow them to initiate legislation alongside the state"³.

In his address, the Home Affairs Minister highlighted that the following Bills were due for debate in Parliament:

- Family Protection Bill.
- Children's Bill (redrafted) of 2001.
- Persons with Disabilities Bill.
- National Commission on Gender and Development Bill.
- Refugee Bill.

The significance of the workshop was summarised by Hon. Musikari Kombo who candidly admitted that, before the workshop, he, "like many other parliamentarians, was unaware of the role of Members of Parliament in enforcing international instruments". He added that perhaps it would be "more effective if they were targeted in smaller groups". This sentiment was echoed by Hon. Francis Ole Kaparo (in a speech read on his behalf by Hon. Gitobu Imanyara) when he observed

¹Workshop report on Role of Parliamentarians in the Implementation of International Treaties and Convention, p. 4

²Ibid, p.7.

³Workshop report on Role of Parliamentarians in the Implementation of International Treaties and Convention, p. 31

that some MPs made demeaning remarks about women. Such MPs, he said, “would have contributed differently had they been provided with accurate and up to date information”¹⁰.

Workshop on Developing Linkages for Legislative Advocacy

On September 27-29, 2001, FIDA hosted a workshop on developing linkages for legislative advocacy. This workshop targeted parliamentary select committees (Health, Housing, Labour and Social Welfare), NGOs, advocacy groups and other interested parties. A key presentation made here was a paper on how Parliament works. The paper was delivered by Hon. Wanyiri Kihoro, then MP for Nyeri Town. This workshop was an implementation of the recommendation made by Hon. Kombo during the workshop on April 5, 2001 that MPs should be targeted in smaller groups. The workshop therefore targeted the mentioned select committees and also had attendance of MPs supportive of FIDA’s cause, but who did not necessarily belong to the committees. The workshop again familiarised participants with the Family Protection (Domestic Violence) Bill of 2001, the Criminal Amendment Bill of 2001 and the Equality Bill of 2001.

Assistant Ministers’ Workshop

Between September 26 and 28, 2003, FIDA held a workshop for assistant ministers to enhance their understanding of women’s rights under their dockets. Attended by 17 assistant ministers, the workshop looked at the role of assistant ministers, the continued relevance of civil society in the new political climate and opportunities for FIDA’s collaboration with the Government. It introduced assistant ministers to the African Charter on Human and People’s Rights and its protocol on women’s rights by pointing out the parallels in the charter with the ruling party’s manifesto.

In her presentation to the workshop, FIDA’s Executive Director acknowledged the following positive actions by the government:

- Publication of the draft Constitution which, in Section 34, expanded the definition of discrimination to include sex, and aligned it with CEDAW as well as the African Charter on Human and People’s Rights and the protocol on the rights of the African woman.
- Introduction of free compulsory primary education which would positively impact on girls’ enrolment and completion.
- Government endorsement of affirmative action in the constitutional debate.
- Establishment of a gender thematic group in the formulation process of the Poverty Reduction Strategy Paper (PRSP) and the Economic Recovery Strategy.
- Publication of the HIV/AIDS Prevention and Control Bill whose proposal would greatly impact on women’s health rights.
- Establishment of a Ministry of Gender, Sports, Culture and Social Services, elevation of the Women’s Bureau in its functions and responsibilities and adoption of a gender mainstreaming strategy by the Ministry.

At the end of the workshop, the assistant ministers pledged to “make a deliberate effort in the short term to ensure that gender sensitive law making received sufficient government support”. In particular, they committed themselves to prioritise the following:

- Family Protection (Domestic Violence) Bill.
- HIV/AIDS Prevention and Control Bill.
- Establishment of the Gender Commission.
- Affirmative action and gender sensitive language in the draft Constitution.

¹⁰ Ibid. p. 32

- Removal of taxes on sanitary towels and diapers.
- Support to new institutions and mechanisms to make them effective in promotion, development and protection of gender equality.

In the medium and long term, they committed to:

- Ensuring FIDA's representation in the National Aids Council to provide a gender sensitive approach to the legislation and policies related to Aids.
- Encouraging and facilitating the formation of ministerial linkages with an annual forum to review progress made in gender mainstreaming.

Workshop for Kanu Members of Parliament

This workshop, held on June 26-29, 2003, was pioneering in bringing FIDA and the Kenya African National Union (Kanu) together. The workshop was held in recognition of Kanu as the political opposition having garnered 67 seats in the 2002 general elections. While the overall purpose of the workshop was to strengthen human rights and nurture democracy, the side kick was to establish rapport between FIDA and Kanu, the two having been on an ideological divide in the days of Kanu's rule. The workshop focused on rapport building, strengthening opposition to deepen democracy, introduction to human rights and the legal regime for protecting women's rights and FIDA's experiences. The roles of the opposition in using human rights conventions to enhance democracy were outlined as:

- Pressure Government to enact more gender sensitive laws.
- Hold Government accountable for commitments made under international conventions.
- Provide a legal basis for interpretation of existing national laws.
- Expand the existing human rights framework in Kenya, particularly for women, beyond what exists in the arena of personal laws.
- Provide a measuring stick for the Government to govern democratically.

The workshop ended with a joint communiqué in which the Kanu MPs pledged to, among other things, "make a deliberate effort to ensure that gender sensitive law making received sufficient parliamentary support and, in particular, to support the following Bills and proposals:

- Family Protection (Domestic Violence) Bill.
- National Commission on Gender and Development Bill.
- New laws governing matrimonial property.
- New laws governing marriage and divorce.¹¹

On its part, FIDA committed itself to, among other things, "offer opposition MPs information that would enable effective parliamentary debate on issues concerning social justice and gender parity".

Kenya Women's Parliamentary Association Workshop

Held at Whitesands Hotel from 13 to 15 December, 2003, this workshop brought together 12 female parliamentarians, the staff of their association and FIDA to strategise on how to promote the women's agenda in Parliament.

¹¹ Strengthening Human Rights to Nurture Democracy Report.

Workshop for Coalition for National Unity

From April 15 to 17, 2004, FIDA hosted a workshop for the Coalition for National Unity (CNU) on gender and human rights mainstreaming. Grouping Kanu and Ford People, CNU was formed in December 2003 in the wake of divergence over the constitutional review process. It marshalled the stakeholders into re-convening the constitutional conference and moved towards solidifying into a union of the political opposition. FIDA hosted this workshop on the conviction that “being an opposition outfit in Parliament, there was need to sharpen the CNU’s political and legislative capacity in order to spearhead the human rights agenda”¹² and to ensure “that a vibrant democracy is sustained in Kenya”¹³. The workshop brought together MPs and political party officials from the coalition parties. The content consisted of an in-depth look at gender disparities and their causes, an evaluation of the opposition’s performance since the June 2003 meeting with Kanu and the way forward for the coalition in consolidating its agenda and mainstreaming gender and human rights in party structures and legislation.

Study Tour of Scandinavian Countries

On May 23, 2004, FIDA sponsored some parliamentarians on a study tour to Scandinavian countries to gain experience on how these countries have mainstreamed gender and the benefits of the same. The delegation included Assistant Ministers Hon. Robinson Githae and Hon. Alicen Chelaite, leader of Official Opposition, Hon. Uhuru Kenyatta, and nominated MP Hon. Esther Keino¹⁴.

Breakfast Meeting with Parliamentarians

On July 20, 2004, FIDA hosted a breakfast meeting with parliamentarians to collect views from parliamentarians for this survey.

Inter-parties Consultation Forums

The most recent activities were the Inter-parties Consultative Forums held at Whitesands Hotel from August 23 to 24, 2004, and in Naivasha from September 22 to 23, 2004. The forums brought together MPs from various political parties and were used to familiarise legislators with the re-drafted Family Protection Bill in preparation for its re-introduction to Parliament.

Other Activities

FIDA has also:

- Simplified and produced information packs on the Domestic Violence Bill and disseminated the same to all 220 MPs.
- Compiled motions for presentation in Parliament, e.g., on maternity leave.
- Attended parliamentary sittings of interest to women’s rights.
- Sat on task forces developing gender responsive Bills, e.g., the Equality Bill.

Mobilisation Approaches Used

To mobilise the MPs for its events, FIDA relies on parliamentary committees, party structures (e.g. whips), individual MPs to mobilise colleagues and personal contacts through letters, e-mail and phone. For the trainings and exposure to achieve the intended goals, FIDA has used workshops,

¹² Internal planning document

¹³ Opening Remarks by Fida Chairperson at the CNU workshop.

¹⁴ *East African Standard*, May 26, 2004. Accompanying the MPs on the tours were the Fida Kenya Chair, Joyce Majiwa and Executive Director, Jane Kiragu.

study tours and meetings called by either party on specific issues. The reasons for choosing these methods were that:

- In parliamentary committees, it is easier to identify and focus on a specific theme.
- Focusing on political parties makes it possible to pinpoint what each party can do after training.
- Workshops out of Nairobi enable the MPs to concentrate on the task at hand.
- Tours provide MPs with comparable and new experiences to learn from.

Follow up to the Activities

FIDA backs up the training and exposure it offers in order to ensure that the capacity exists among MPs to do what they are expected to do by:

- Assisting MPs in researching on specific issues, e.g., maternity leave for female MPs.
- Preparing simplified information packs, e.g., on Domestic Violence (Family Protection) Bill, Equality Bill, Affirmative Action Bill and on comparative experiences from other countries.
- Preparing and distributing position papers on topical issues to MPs, the public and other stakeholders.
- Conducting legal open days in constituencies, e.g., Imenti South, Nyeri Town, Kisumu Rural, Ndia, Kabete, Dagoretti and Mvita.
- Accompanying the government to international missions as observers, e.g., to the meetings of the Commission on Status of Women and CEDAW to present shadow reports.
- Auditing of government performance through annual reports.
- Building coalitions to press for democratisation in such a way that women's rights are taken care of, e.g., for constitutional review FIDA partnered with the Institute for Education in Democracy (IED), Kenya Human Rights Commission (KHRC) and League of Kenya Women Voters.



*CNU workshop on Mainstreaming Gender and Human Rights.
Whitesands Hotel on 16th-17th April 2004.*

Survey Methodology

The survey for this report was commissioned by FIDA to an external consultant who was charged with:

- Undertaking a literature review of the work done with MPs so far.
- Developing appropriate data collection tools and carrying out qualitative and quantitative research to determine the level of parliamentarians' awareness on gender issues.
- Assessing the extent to which gender mainstreaming has taken place in Parliament.
- Developing appropriate sampling methods and sample groups for the research
- Compiling and submitting the Final Research Report by the end of the contract, in form of two hard copies and one soft copy of the Final Research Report.

The time frame for the survey was three months starting May to July 2004.

These terms of reference were interpreted by the consultant in consultation with the FIDA programme staff leading to the development of a data collection schedule and data collection tools, which were shared with FIDA before finalisation and use.

Sources of Information

The activities FIDA has undertaken with MPs formed the basis of the research to assess the extent to which parliamentarians have been capacitated to promote women's rights in their legislative and policy work. The survey was conducted using the following key methods.

- A review of literature available, namely newspaper clippings, Hansard reports on parliamentary debates, FIDA's activity reports, annual reports and other organisational documents.
- Questionnaire based on face to face interviews with MPs, FIDA staff and key informants.
- Focus group discussion with MPs over a breakfast meeting.

Sampling of Respondents

The sampling of respondents focused on the primary beneficiaries of the parliamentary capacity building activity and FIDA itself. In sampling the parliamentarians, the following categories were targeted to get a balanced representation of those who had participated in the various FIDA activities.

- Members of the ruling party.
- Members of the opposition.
- Government ministers and assistant ministers.
- Back benchers.
- Male parliamentarians.
- Female parliamentarians.

- Parliamentarians serving first terms.
- Parliamentarians serving at least second term.

Although the survey physically interviewed only 15 legislators, the cumulative total came to 40¹⁵ considering that many of these MPs had attended several FIDA events between 2001 and September 2004. One each had attended the:

- Workshop on “The Role of Parliamentarians in the Implementation of International Treaties and Conventions”.
- Dissemination and lobbying luncheon at Inter-Continental Hotel for MPs on the Domestic Violence Bill.
- Consultative forums for MPs on creating an enabling environment for gender sensitive legislation at Indian Ocean Beach Club.
- Workshop for assistant ministers to enhance understanding of women’s rights under their dockets.

Two respondents had gone for the 2004 study tour to Scandinavian countries. A similar number had attended the opening of the FIDA Mombasa office. Four had attended the Kewopa workshop (2003), five the workshop for Kanu (2003), seven the workshop for Coalition for National Unity (2004), nine the first inter-parties consultative forum of August 2004 and four the second inter-parties consultative forum of September 2004.

From FIDA, respondents targeted and reached were:

- Team Leader, Women’s Rights Monitoring Programme.
- Staff member in the Women’s Rights Monitoring Programme.

Facilitating Factors

The major factor that facilitated the success of the survey was the team work between the consultant and FIDA staff. This involved constant communication and consultation leading to quick decision making and action especially during the data gathering phase, which was the most challenging part of the exercise. Another factor was the availability of relevant literature for review at the FIDA offices. Finally, those MPs, who were reached, were very cooperative in discussing their experiences.

Constraints Faced

The major constraint in the survey concerned the mobilisation of the MPs for interviews. Reaching the targeted respondents was extremely difficult as their phones were almost always answered by their personal assistants. This made it difficult to actually secure appointments with them. In some cases, appointments made were cancelled at the last minute. When FIDA even tried to get them through a breakfast meeting, the turnout was very poor. The difficulty meant that not as many MPs as was originally desired could be reached for the interviews. Thus, a compromise had to be reached to use more qualitative than quantitative methods of data collection and analysis.

The net effect of the difficulty in mobilising the MPs for interviews was a delay in commencement of actual data collection leading to an extension of the time frame.

But even after this, not much could be achieved.

¹⁵ See annex on the details.

Survey Findings

This chapter presents the findings from the data collected. It is organised in three parts. The first part presents the positions taken by different MPs on two relevant Bills debated during the review period. The second analyses the pronouncements of the MPs on issues relevant to women's rights as reported in the print media. The third looks at primary information generated from the interviews with various respondents.

Part one: Positions held by Legislators during parliamentary debates

During the period under review, two Bills relating to women's rights were debated in Parliament. They were the Affirmative Action Bill of 2000 and Domestic Violence (Family Protection) Bill of 2002. For ease of reference, the positions taken by the various MPs are presented under the names of those who contributed to the debates as reported in the Hansard records. The report below puts together the MPs supporting and opposing the Bills.

Affirmative Action Bill¹⁶

The above issue was debated in parliament between April 11 and 20, 2000.

A. Legislators in Support of the Motion

Hon. Beth Mugo, Member of Parliament for Dagoretti

While seeking permission to table the Affirmative Action Bill in order to improve and increase representation for marginalized groups in policy making institutions, particularly for women, Hon. Mugo referred to the fact that already in 1999 the House had passed a Bill allowing the implementation of the Beijing Platform for Action, the Dakar Platform for Action and the Abuja Declaration, the first which stipulates that 33% of all the administrative positions be allocated to women.

The Affirmative Action Bill, Hon. Mugo mentioned, would seek equality on political participation both in Parliament and municipalities by nominating women to form at least one third of members of those institutions. Hon. Mugo referred to countries such as Great Britain and Uganda which have benefited from such provisions (*Hansard of 11th April to 13th April 2000*).

Hon. Raila Odinga, Member of Parliament for Langata

Seconding the motion, Hon. Odinga cited that by signing the Beijing Platform for Action, "the Government committed itself to ensuring that there was gender equality", which is a human right. He said that expecting women to contest as equals with men in the current context was unfair due to several impeding factors. The Bill was cognizant of such impediments, he said (*Hansard of 11th April to 13th April 2000*).

Hon. Martha Karua, Member of Parliament for Gichugu

Hon. Karua reminded the House that the country's Constitution "recognizes that all human beings are equal pursuant to the United Nations Declaration on Human Rights" (*Hansard of 11th April to 13th April 2000*). She pointed out that the Affirmative Action Bill "seeks to redress a wrong or an imbalance that has existed", in this case "imbalance in the representation of women in decision-making in Parliament, local authorities and in other organs and institutions of governance".

¹⁶ According to the mover of this motion, Hon. Beth Mugo, the support for the Bill was made possible through consultation with party leaders. She avers that only two MPs opposed the Bill. It was eventually taken over by the Government and included in the constitutional review proposals.

Reiterating that Affirmative Action “is not merely restricted to issues of gender and can be extended to other fields”, Hon. Karua also cited the example of Uganda where there are district seats reserved for women. Such measures, she said, help to overcome “cultural barriers and other inhibiting circumstances which ...make it impossible for women to compete in decision making at par with men”. She regretted that, in the East African Community, Kenya was odd in its lacklustre performance with regard to promoting gender equality. (*Hansard 18th April to 20th April 2000*).

Hon. Jembe Mwakalu, then Assistant Minister for Roads and Public Works and Member of Parliament for Bahari

Saying that he had all along wanted to be counted among those Kenyans who felt very strongly about gender equality, Hon. Mwakalu opined that “unless the minds of men are liberated from being out-moded, primitive, obstructive, subjugative, ... and exploitative...the role and function of the woman will not be properly accounted for”. The member emphasized on the necessity to “rectify historical injustices” which made it impossible for the country to enjoy the wealth of “capacity ...ability, intellect, professionalism” of its women. Saying that the female brain was not inferior to the male one, Hon. Mwakalu suggested a higher percentage representation (43%) than the motion would be asking for. He unreservedly supported the motion and called for constitutional guarantees on women’s liberation (*Hansard 18th April to 20th April 2000*).

Hon. William Ole Ntimama, then Minister of State, Office of the President and Member of Parliament for Narok North

Hon. Ntimama said that, as a matter of principle, he supported affirmative action, adding that women were the most important category among the vulnerable groups. Noting that Kenya is a signatory to international conventions, Hon. Ntimama said that this obliged the country to protect the rights of women. He was commended by Hon. Zipporah Kittony for “the support he has given women all along”, and she wished all men could emulate him. Hon. Kittony referred to Kenya hosting the 1985 UN conference, a fact that should make the country very enthusiastic in implementing the international conventions (*Hansard 18th April to 20th April 2000*).

Hon. Mwai Kibaki, MP for Othaya and then the Leader of Official Opposition¹⁷

Saying that he supported the motion 100 per cent, Hon. Kibaki said that the action being called for was overdue if the country was true to the notion of having a “just government of men and women”. It was foolhardy to rely on attitudes to create change hence the need to use law because some things would not happen as fast as we want them to. A proper, fair and just society, he said, is one that has “women participating as fully as it is possible”. He cited that nations which have succeeded in raising their standards of economic development are the same that have given greater opportunities to women to participate fully in all aspects and sectors of the economy. When the Bill would eventually be brought before the House, he suggested, it should include civic education for men on the role that women play and to enable them accept changes without hesitation (*Hansard 18th April to 20th April 2000*).

Hon. Nicholas Biwott, then Minister for Tourism, Trade and Industry and Member of Parliament for Keiyo South

Hon. Biwott said that he supported the Motion and referred to Chapter 10 of the Constitution as providing for the same. He observed that inequalities between women and men are not only a curse to women, but to development as a whole (*Hansard 18th April to 20th April 2000*).

Hon. Noah Katana Ngala, then Minister for Home Affairs, Heritage and Sports and Member of Parliament for Ganze

In terms of ministerial portfolio, Hon. Ngala’s Ministry housed gender issues. In his contribution, the Minister supported the Motion as a policy, and put it on record that the Ministry would work

¹⁷ Hon. Kibaki was elected the country’s third president in the 2002 general elections.

very closely with proponents to develop it. He repeated that Affirmative Action was not just about women and indicated that, at some stage, the Government would introduce the National Policy on Gender and Development which proposed the setting up of a National Commission of Gender and Development. This, he said, was a follow-up of the Beijing Platform for Action and continuation of the Government's pro-actions that included granting of house allowances to women civil servants, lowering of university entry points for girls and the re-entry policy for girls who fall pregnant while still in school (*Hansard 18th-20th April 2000*).

Hon. Kiraitu Murungi, Member of Parliament for Imenti South

Echoing the words of Hon. Kibaki, Hon. Murungi said the Democratic Party supported the Motion 100 percent and indicated that his party had committed itself to having a third of all its officials being women, including Members of Parliament (*Hansard 18th - 20th April 2000*).

Hon. Simeon Nyachae, Member of Parliament for Nyaribari Chache

Supporting the Motion, Hon. Nyachae noted that women would provide more honest and accountable leadership. He supported his argument by citing that no woman has ever been implicated by the Public Investments Committee (PIC) and Public Accounts Committee (PAC) as corrupt (*Hansard 18th to 20th April 2000*).

Hon. Karisa Maitha, Member of Parliament for Kisauni

Hon. Maitha supported the Motion saying it was very meaningful. (*Hansard 18th to 20th April 2000*).

B. Legislators Opposed to the Motion

Hon. Francis Lotodo, then Minister for Energy Development

Hon Lotodo opposed the Motion citing that "in every district and in every constituency, there are more women than men" and they can fight for seats. He wondered where the seats that the Bill would be asking to be reserved for women were going to come from (*Hansard of 11th April to 13th April 2000*).

Hon. J.B. Munyasia, then Member of Parliament for Sirisia

Opposing the Motion, Hon. Munyasia observed that the public gallery was fully occupied by women, a fact he used to rationalize that, although the Bill was being touted to be inclusive, it was principally about women. While professing to be opposing the Motion "as a friend of the women of this country", he averred that the Motion was unfair to the male folk, and wrongly equated women with marginalized groups. Citing that although the Kenya National Union of Teachers (KNUT) had had an affirmative clause in its constitution for 20 years, not even a single woman had ascended to be an executive secretary in the union's branches. Hon. Munyasia was therefore of the view that things should be left to "take their natural course". He contrasted the dismal participation of women in public rallies with their robust presence in the church on Sundays to justify the argument that women are apolitical. He saw no evidence to suggest that political affirmative action would lead to better quality decisions in Parliament. However, he was immediately informed by Hon. Charity Ngilu through a point of order that the mere fact that most MPs made their way to Parliament through the women's votes confirmed that women are not apolitical (*Hansard 18th April to 20th April 2000*).

A statistical compilation of the debating patterns works out as follows (shading indicates position).

#	NAME OF MP	SEX	SUPPORTING	OPPOSING
1	Beth Mugo	Female		
2	Raila Odinga	Male		
3	Martha Karua	Female		
4	Jember Mwakalu	Male		
5	William ole Ntimama	Male		
6	Mwai Kibaki	Male		
7	Nicholas Biwott	Male		
8	Noah Katana Ngala	Male		
9	Kiraitu Murungi	Male		
10	Simeon Nyachae	Male		
11	Karisa Maitha	Male		
12	Francis Lotodo	Male		
13	J.B. Munyasia	Male		
	Total		11	2

The table shows that a majority of the members who contributed to the debate, actually 85%, supported the Bill. Only 15% opposed it. During the debate, only three MPs, two of them female, referred to international instruments on women's rights, namely the Platforms for Action and United Nations Human Rights Charter with one referring to the conventions generally. These were Hons. Mugo, Karua and Ntimama.

Domestic Violence (Family Protection) Bill of 2002

This Bill was debated in Parliament between April 24, 2002 and May 2, 2002.

A. Members of Parliament in Support of the Bill

Attorney General, Hon. Amos Wako

Introducing the Bill, the Attorney-General said it was drafted by the task force, which was appointed to review laws affecting women as part of the legal reform programme initiated in 1993. Headed by Justice Effie Owuor, the task force consisted of FIDA members and some gender sensitive men. Hon. Wako cited that a survey carried out on 1,067 women with varying educational levels and ages revealed that 51% of women were victims of domestic violence, adding that the percentage could be higher. He commented that the Bill was an effective legal protection for victims of domestic violence because it:

- Empowered the court to make certain orders which facilitate a speedy, inexpensive and simple access to justice.
- Proposed the setting up of appropriate programmes to educate the society, especially men, on attitudinal change.
- Proposed measures to educate the police to treat domestic violence as a criminal offence.
- Proposed the establishment of a fund to help victims of violence to meet their medical needs, food, rent and shelter (*Hansard of 24th April, 2002*).

Hon. Wycliffe Osundwa, then Assistant Minister in the Office of the Vice President and Ministry of Home Affairs, Heritage and Sports & Member of Parliament for Mumias

Moving the Motion, Hon. Osundwa pointed out that, in order to understand domestic violence, its root causes should be traced. To him, men are the principle perpetrators of violence because they don't work to earn the daily bread for their families but demand everything the women have generated.

"We are making our homes more civilized and democratic, and a peaceful environment in which human beings are going to live", he said. "That is why we should not prey on outdated customary laws in order to violate the rights of half of the population of this country".

Hon. Osundwa asserted that women should not be treated as property but as human beings. Thus, they should be accorded opportunities for development, moral support and protection. He likened women to the Mau Mau freedom fighters and pleaded that they should not be branded as "First talking Beijing women." Hon. Osundwa proposed that perpetrators of domestic violence be made to pay heavy fines as compensation to their victims (*Hansard of 24th April, 2002*).

Hon. Zipporah Kittony, then Nominated MP and Chairperson of Maendeleo ya Wanawake

Supporting the Bill, Mrs Kittony urged men to look at women as their friends and not enemies. She blamed men for perpetuating domestic violence because tradition conferred on them a lot of authority. To stop domestic violence, Hon. Kittony advised that the state should invest in civic education to make people change their attitudes towards family life (*Hansard of 24th April, 2002*).

Hon. Kiraitu Murungi, Member of Parliament for Imenti South

Hon. Murungi saw the Bill as an important instrument of protection once put in practice. "Let us talk of a woman as a person who is close to us, and not as a person we do not know", he observed. This means recognizing women as sisters, mothers, daughters and friends. He argued that, if a man can be imprisoned for beating a strange woman or man on the streets, the punishment for battering one close to him should even be more severe. Hon. Murungi cited that Kenya is a signatory to international conventions like the Convention on Elimination of all Forms of Discrimination against Women (CEDAW) and suggested that aspects of the convention should be domesticated (*Hansard of 24th April, 2002*).

Hon. Beth Mugo, Member of Parliament for Dagoretti

Hon. Mugo supported the Bill saying that since God created men and women in his own image, none should suffer discrimination. She criticized men for consenting to sign international conventions, yet, go ahead and perpetrate practices like Female Genital Mutilation (FGM). Hon. Mugo proposed equality between men and women in ownership of resources acquired in partnership. She appealed to men to change their attitudes and view the Bill in the context of human rights, which are applicable to African families. Hon. Mugo challenged men who are victims of violence to come out boldly and report to the police. She suggested that the rehabilitation fund proposed in the Bill be used to educate men and women on their rights. (*Hansard of 24th April, 2002*).

Hon. Paul Muite, Member of Parliament for Kabete

Hon. Muite supported the Bill and recommended a legal framework that recognizes domestic violence as a social type of crime. He saw the Bill as a rescue to men, who are victims of domestic violence, and a timely measure to curb the spread of HIV/AIDS in that it would protect spouses whose partners are wayward but forcefully insist on getting their conjugal rights. Hon. Muite advocated for the Bill to be widely disseminated so as to reach every nook and cranny of the country. He said that, where the erring husband is financially endowed, the court should be given powers to make him pay to support his family instead of using tax payers' money to do so (*Hansard of 24th April, 2002*).

Hon. Wanyiri Kihoro, then Member of Parliament for Nyeri Town

The Bill, in Hon. Kihoro's view, was a fundamental tool to restore peace and dignity in homes. "It is important to have this kind of special legislation that is going to deal with violence in our homes and situations where criminal law finds it difficult to permeate", he said. Citing that about 56% of Kenyans lived below the poverty line, Hon. Kihoro attributed the increase in domestic violence to poverty. He also related the problem to illiteracy, which makes it impossible for people to access and use publications on family life. Hon. Kihoro recommended the inclusion of Female Genital Mutilation in the Bill saying that, though some communities regarded it as a rite of passage, the practice has been proven by medical research to be harmful to women. In the same vein, he condemned the Mungiki sect which threatened to harm women in leadership. He supported the fund proposed in the Bill and appealed for a speedy enactment, so that courts can have 'quickie' laws to separate couples within 24 hours, since violence can even lead to loss of life. He also suggested that the Government should revamp the economy so as to reduce violence (*Hansard, 25th April 2002*).

Hon. Christopher Lomada, then Assistant Minister, Finance and Planning & Member of Parliament for Sigor

Hon. Lomada said that it is the duty of every man and woman to prevent domestic violence, and that corrective measures in the family should not be understood to mean violence. He was of the opinion that customary laws should also be used to solve domestic violence. He cited his Pokot community, where killing of a man or woman results in heavier punishment than those proposed in the Bill. He therefore recommended that people countrywide should be educated on their rights as this would result in protection for women and children. (*Hansard, 25th April 2002*).

Hon. Amukowa Anangwe, then Member of Parliament for Butere

Supporting the Bill, Hon. Anangwe said that domestic violence has existed for a long time, so the Bill would seal the loophole in dealing with it. However, he had the following reservations about some of its provisions:

- The kind of legal protections proposed were drastic given that sometimes people involved in domestic violence are embarrassed by it and are remorseful.
- The Bill was drafted mainly by women from FIDA without consulting men to chart a middle ground.
- Women should not be the only ones to define what amounts to violence because a slap for a man is authority and not violence. He explained that culturally, if a woman is not beaten, she will not feel loved and therefore most women provoke fights.

Therefore, he made the following proposals:

- A cultural approach to the issue should be preferred.
- People should seek to learn from women who have not experienced domestic violence and replicate their examples.
- Before the state intervenes through courts and jails, there should be an intervening period where religious and non-governmental organisations guide and counsel the protagonists.
- If the definition includes psychological abuse, intimidation, harassment and damage of property, then men are also aggrieved because they are psychologically harassed by women's manner of dressing (*Hansard, 25th April 2002*).

Hon. Anyang' Nyong'o, then Nominated Member of Parliament

Hon. Nyong'o saw the Bill as an important protection tool for women and children, who over the years have been on the receiving end of domestic violence due to patriarchal systems in which men are recognized as the most important species in the home and women and children as insignificant objects. Even though men are also victims of domestic violence, he said, most of them "swallowed (their) tears". Citing that existing courts have an intimidating atmosphere for women, Hon. Nyong'o recommended the establishment of special courts and appointment of specific judges to deal with domestic violence cases. He also proposed stiffer penalties than those in the Bill, except capital punishment (*Hansard of 2nd May 2002*).

Hon. Lyula Khamasi, Member of Parliament for Shinyalu

Hon. Khamasi argued that the Bill was appropriate for any progressive society. "For any civilized community, it is necessary that you must have an Act in place to tame people who unleash domestic violence on others, whether women or men", he said. He echoed Hon. Nyong'o's concern about the plight of women and children, supported stiffer penalties and recommended the establishment of special institutions to train people to deal with cases of domestic violence (*Hansard of 2nd May 2002*).

B. Members of Parliament Ambivalent about the Bill

Hon. Justin Muturi, Member of Parliament for Siakago

Hon. Muturi supported civic education as an important weapon in curbing domestic violence. But he observed that there were various provisions in the Bill that were in direct conflict with existing law, e.g., the definition of marriage as "the union of one man and one woman" when the law recognizes polygamous forms of marriage. Hon. Muturi also opposed the high penalties proposed in the Bill and did not concur with the protection order that restricts a respondent from the protected person. He explained that, if the protected is a child and s/he attends school alongside brothers and sisters, the other siblings would also suffer seclusion because of one person. In cases where the man works in the vicinity of the home, he said, the provisions would be difficult to enforce (*Hansard of 24th April, 2002*).

C. Members of Parliament Opposing the Bill

Hon. Stephen Ndicho, then Member of Parliament for Juja

Citing the Bible, Hon. Ndicho opposed the Bill although confessing his support for the women's cause. "God does not separate men and women", he said, giving the example of Jesus Christ having related with women like Mary Magdalene, Mary mother of James and Salome.

Hon. Ndicho was of the opinion that violence cannot be solved by enacting the Bill, but by people changing their moral conduct. He opposed the Bill saying that "even if there is a beautiful constitution and beautiful laws, as long as people lack moral will to follow its provisions, it makes no sense." He also contended that the Bill was discriminatory since it only sought to protect women. Yet, men were also victims of domestic violence. Other assorted criticisms of the Bill advanced were that:

- "Spousal rape" is a creation of the mind since marriage confers sexual rights upon couples.
- The proposal that the aggressor should be excluded from shared residence would not create peace but more acrimony.

- Due to soaring levels of poverty, members of the public would make fake claims to take advantage of the fund proposed in the Bill. (*Hansard of 24th April, 2002*).

Hon. Fred Gumo, then Assistant Minister, Office of the President & Member of Parliament for Westlands

From a “real man’s” point of view, Hon. Gumo opposed the Bill citing that it is ‘bigmouthed’ women who cause domestic violence because a sane man cannot start a fight with a woman over nothing given that women are the “weaker sex”. In his opinion, enactment of the Bill would increase the number of divorces. The Bill in itself was an instrument of violence because it interfered with people’s freedom, he contended. Hon. Gumo further faulted the Bill on the basis that the task force that drafted it was composed of “divorcees” who do not care about family life and who therefore have no moral authority to decide for married women (*Hansard of 24th April, 2002*).

Hon. Yusuf Haji, then Assistant Minister, Office of the President & then Nominated Member of Parliament

Hon. Haji confessed his opposition to foreign approaches in solving domestic violence and saw the legislation on the issue as a way of replacing dialogue. In defence of Female Genital Mutilation, for instance, he observed that when western women pierce their tongues, umbilical cords and private parts, it is not termed violence on women. He saw the gender equality campaign as a slur on Africans. (*Hansard of 24th April, 2002*).

Hon. J.B. Munyasia, then Member of Parliament for Sirisia

While stating that he abhorred domestic violence, Hon. Munyasia, however, opposed the Bill on the grounds that:

- A real man (has six wives, thirty two children and one hundred grand children) must exercise authority over the family and this includes threat of punishment. He likened it to the State, which has to use the police force to exercise control¹⁸. The Bill was partisan and inadequate because it contained the views of women and only a few men.
- The task force that drafted it should have incorporated elements of traditional values and norms because marriage in any African setting is a societal not an individual issue.
- There was no novelty in the Bill because traditional justice also offered compensation to victims of bodily harm, e.g., his Bukusu culture required a man who knocked out his wife’s teeth to pay a herd of cattle to the woman’s clan (position echoed by Hon. Affey, citing the Somali culture).
- The Bill was not clear-cut on what is or is not violence.
- Clause 5 of the Bill implicated only men as the perpetrators of domestic violence, yet, women also do.
- Given our patri-lineal societies and that a wife inhabits the man’s land, the proposal in the Bill that a violent man should vacate his home was misguided and misinformed.
- Families that have gone to court to solve their marital problems are less peaceful than those that haven’t. Therefore the Bill was a potential destroyer of families. (*Hansard, 25th April 2002*).

A statistical summary shows the following positions by MPs who contributed to the debate on the Domestic Violence Bill (shading indicates position).

¹⁸ Argument supported by citing a professor from a university in Australia that “a little slap occasionally allows a woman to say what she thinks about you”.

#	NAME OF MP	SEX	SUPPORTING	OPOSING	AMBIVALENT
1	Amos Wako	Male			
2	Wycliffe Osundwa	Male			
3	Zipporah Kittony	Female			
4	Kiraitu Murungi	Male			
5	Beth Mugo	Female			
6	Paul Muite	Male			
7	Anyang' Nyong'o	Male			
8	Lyula Khamasi	Male			
9	Wanyiri Kihoro	Male			
10	Amukowa Anangwe	Male			
11	Christopher Lomada	Male			
12	Stephen Ndicho	Male			
13	Yusuf Haji	Male			
14	Fred Gumo	Male			
15	J.B. Munyasia	Male			
16	Justin Muturi	Male			
	Total		11	4	1

The table above shows that 16 MPs (two female and 14 male) contributed to the debate on the Bill. Of these, 69% supported the Bill. 25%, all male MPs, opposed the Bill while 6% (male) were ambivalent. Only one MP, Hon. Kiraitu Murungi, referred to international instruments on women's rights, i.e., CEDAW.

Part two: pronouncements of legislators reported in the print media

The survey looked at newspaper clippings kept by FIDA on women's issues to analyse the patterns of subjects that MPs talked about, which MPs talked about them, how frequently and in support of what perspectives. The clippings considered were for the years 2003 and 2004. Clippings from earlier years were not very well kept or categorised.

The analysis of the clippings shows that MPs were reported in the print media as having talked on the following topics:

1. General discrimination against women.
2. Female Genital Mutilation.
3. Early marriages.
4. Rape and defilement.
5. Sexual exploitation/harassment.
6. Domestic violence.
7. Commercial sex.
8. Abortion.

9. HIV/AIDS
10. Single women's rights.
11. Sanitary towels.
12. Women's property rights.
13. Marginalisation of women from leadership positions.
14. Affirmative Action.
15. Gender and Development Commission Bill.
16. Parliamentary rules discriminating against female legislators.
17. Comments about FIDA.

The tables below summarises the coverage of MPs by subjects talked about and the frequency of appearance in the print media on respective subjects.

Subjects by Number of Times Commented on by Female and Male MPs

Subject	No of Times Commented on by Male and Female MPs		Total
	Female	Male	
General discrimination against women.	1	0	1
Female genital mutilation.	10	3	13
Early marriages.	2	2	4
Rape and defilement	3	15	18
Sexual exploitation/harassment.	1	2	3
Domestic violence.	2	2	4
Commercial sex.	3	0	3
Abortion.	4	0	4
HIV/AIDS	0	1	1
Single women's rights.	1	0	1
Sanitary towels.	4	3	7
Women's property rights.	1	2 ¹⁹	3
Marginalisation of women from leadership positions.	2	0	2
Affirmative Action.	1	1	2
Gender and Development Commission Bill.	0	3	3
Parliamentary rules discriminating against female legislators	0	2 ²⁰	2
Comments about FIDA.	0	1	1

¹⁹ One, a male MP was opposing women' inheriting property from the parents.

²⁰ Both commentators, male, dismissed the issue of handbags as mere publicity seeking by women MPs.

Subjects by Female and Male MPs Talking About Them

Subject	Female MPs Commenting on Subject	Male MPs Commenting on Subject
General discrimination against women.	Linah Kilimo	Nil
Female genital mutilation.	Linah Kilimo, Alicen Chelaite	Antony Kimetto, Samuel Moroto, Philip Rotino
Early marriages.	Linah Kilimo	Samuel Moroto, Philip Rotino
Rape and defilement	Prof. Ruth Oniang'o, Josephine Sinyo, Beth Mugo, Cecily Mbarire, Adelina Mwau, Njoki Ndungu, Jayne Kihara, Dr. Julia Ojiambo, Betty Tett, Esther Keino, Amina Abdalla, Charity Ngilu	Ali Hassan, Sammy Leshore, Stephen Tarus Mukhisa Kituyi, Peter Odoyo
Sexual exploitation/harassment.	Alicen Chelaite	
Domestic Violence.	Cecily Mbarire	Robinson Githae, Moody Awori
Commercial sex.	Beth Mugo, Cecily Mbarire, Adelina Mwau	Nil
Abortion.	Cecily Mbarire, Dr. Naomi Shabaan, Adelina Mwau, Njoki Ndungu	Nil
HIV/AIDS	Charity Ngilu	Mwai Kibaki
Single women's rights.	Njoki Ndungu	Nil
Sanitary towels.	Njoki Ndungu, Martha Karua, Charity Ngilu	David Mwiraria, Prof. Anyang' Nyong'o, Mwai Kibaki
Women's property rights.	Dr. Julia Ojiambo	Nicholas Biwott, Moody Awori
Marginalisation of women from leadership positions.	Beth Mugo, Alicen Chelaite	Nil
Affirmative Action.	Linah Kilimo	Nicholas Biwott, Karue Muriuki
Gender and Development Commission Bill.	Nil	Najib Balala, Mutula Kilonzo
Parliamentary rules discriminating against female legislators	Nil	Fred Gumo, Franklin Bett
Comments about FIDA.	Nil	Dr. Amukowa Anangwe

The information gathered revealed that:

- Virtually all female MPs have been reported as commenting on one or another subject on women's rights.
- By far the most vocal MP reported by the print media on the issues is Hon. Linah Kilimo. Her pet subject is Female Genital Mutilation. Other relatively frequent commentators were Hons. Beth Mugo, Njoki Ndung'u and Cecily Mbarire.
- Among the male MPs, Hon. Najib Balala takes the lead, a factor that could easily be related to the fact that he was then the Minister in whose docket gender issues fell.

In the next few pages, we now summarise the pronouncements of the MPs by topic as reported in the print media. The detailed chronology of the coverage is presented in the appendix.

General Discrimination against Women

During the launch of a training programme to strengthen rural women's capacity for community development held at Jomo Kenyatta University of Agriculture and Technology (JKUAT) in February 2004, Hon. Linah Kilimo decried discrimination against women.

Female Genital Mutilation and Early Marriages

Hons. Linah Kilimo (Marakwet East), Samuel Moroto (Kapenguria), Philip Rotino (Sigor), Alicen Chelaite (Rongai) and Anthony Kimetto (Sotik) aired views on FGM at different functions.

Hon. Kilimo led the pack in terms of frequency of condemning the practice. During a FIDA-East Africa workshop towards the end of April 2003, she gave her personal example of escaping genital mutilation and said that cultural practices which violate women's rights should be fought. She also appealed to organizations fighting FGM to go to the grassroots and stop concentrating on conferences and workshops. In July of the same year, she called upon parliamentarians to educate their constituents on the adverse effects of Female Genital Mutilation (FGM). A month later, she was again on the spot pointing out that FGM was responsible for the female dropout from school, early marriages and illiteracy. While challenging leaders in Trans Mara District, who were supporting the practice, to stop it, she lamented that cases of FGM and early marriages were on the rise despite being outlawed by the Government. In December 2003, she was again reported, warning chiefs perpetrating FGM in Trans Mara that they would be fired. In April 2004, she officiated at the launch of *As Beautiful as God Made Me, Say No to Female Circumcision*, a video made by Loreto Sisters. Three months later, she called for a review of the Children's Act to ban female circumcision citing that the Act only incriminated the practice for those below 18 years, hence, assuming that the effects disappear after that age. Speaking at a workshop organised by the Building East African Network (Beacon) and Norwegian Church Aid, Hon. Kilimo noted that six million women in Kenya have reportedly undergone FGM, a practice that violates human and women's rights. In two of the reported occasions, Hon. Kilimo cited statistics from research on the prevalence of the practice.

In October 2003, Hon. Samuel Moroto and Hon. Philip Rotino said FGM hindered community development and impacted negatively on education because it led to high drop out rates and early marriages. They said this at a Pokot cultural day focusing on Female Genital Mutilation (FGM). In December 2003, the Assistant Minister for Gender, Sports, Culture and Social Services, Hon. Alicen Chelaite, warned the FGM practitioners that they faced arrest²¹. Meanwhile, in April 2004, the MP for Sotik, Hon. Anthony Kimetto, commended a move by the Education for Women in Democracy (ECWD) to stop FGM in his constituency and have the circumcisers helped to get alternative sources of livelihood.

Rape and Defilement

Some 13 MPs, namely Hons. Cecily Mbarire, Njoki Ndungu, Beth Mugo, Adelina Mwau, Jayne Kihara, Julia Ojiambo, Betty Tett, Esther Keino, Charity Ngilu, Naomi Shabaan, Ruth Oniang'o, Sammy Leshore and Ali Hassan, decried the practice of rape and defilement.

In July 2003, Hon. Ngilu, Minister for Health, said that the government had opened up post-rape treatment centres in Thika, Kilifi and Rachuonyo. In October and November of the same year, the rape of women from Samburu and Laikipia by British soldiers who undertook military exercises in their regions was topical following a demonstration by the aggrieved women and their children. The issue was raised in Parliament by Hon. Ruth Oniang'o who sought to know the terms and conditions of the agreement between the Kenya and British governments on the military training exercises that led to the rapes. She also wanted to know how many complaints had been lodged and what the Government was doing to ensure that the claims were settled and that the conduct of foreign troops was checked²².

²¹ Hon. Kilimo and Hon. Chelaite are members of the Kenya National Council on Traditional Practice, a consortium of 15 NGOs patronised by Hon. Linah Kilimo. Started in 1985, the NGO discourages harmful traditional practices and has been at the forefront in rescuing girls targeted for genital mutilation in Rift Valley.

²² Hon. Ruth Oniang'o followed up her parliamentary question with a press article (*East African Standard*, November 18, 2003) on the plight of the Samburu rape victims declaring that being a woman and an MP compelled her to comment on the case. Classifying rape as a crime, she castigated those, who claim the women alleging rape had just indulged in romance and pointed out that rape is a shameful act that no right thinking person would claim it, if it did not happen. Citing the march by the women and their children to the Ministry of Justice and Constitutional Affairs on August 14, 2003, Hon. Oniang'o noted that the Assistant Minister in the Ministry promised on television that something would be done about the issue.

In replying, the Assistant Minister in the Office of the President, Hon. Stephen Tarus, said that the government had not yet received official complaints by the women, adding that it was a case between the complainants and the British Government, in which the Kenya Government had not gotten involved. He said, however, that the Government was aware of the complaint, which had been forwarded to the British High Commission.

The next month, Hon. Beth Mugo called upon the police to investigate the rape claims and pointed out that evidence was there in the form of the children born by the victims. During the same time, Samburu East MP, Hon. Sammy Leshore, supported the call by the women to have new officers conduct the investigations after they refused to be interrogated by the British Royal Military Police.

In December, Honourables. Njoki Ndungu, Cecily Mbarire, Beth Mugo, Adelina Mwau, Jayne Kihara, Julia Ojiambo, Betty Tett and Esther Keino visited a 4 year-old girl who had been defiled at Nairobi Women's Hospital. They pledged to assist in paying the girl's hospital bill of Kshs 500,000. On the same issue, nominated MP, Hon. Amina Abdalla, in Parliament asked the Attorney General about the measures he had put in place to contain defilement and to make a statement on the rape of the four-year old girl by a man aged 30. Observing that the rape of minors was on the increase because of extreme societal tolerance of perverts, she proposed that perpetrators should be castrated. She also castigated the police for poorly handling such cases, especially on the issuance of P3 forms. This call was echoed by Hon. Beth Mugo and Hon. Ali Hassan both of whom called for stiffer punishment for rapists and defilers.

Sexual Exploitation/Harassment

This practice was decried by three MPs during the period under review. In March 2003, the Minister for Trade and Industry, Hon. Mukhisa Kituyi, warned the Export Processing Zones authorities and investors against sexually harassing and racially discriminating against women. He was supported by Assistant Labour Minister, Hon. Peter Odoyo, who added that women working in the zones were promised salary increments in exchange for sex and maternity leave allowances. Later in December, the Assistant Minister for Gender, Sports, Culture and Social Services, Hon. Alicen Chelaite, called for enactment of laws aimed at protecting women and girls from sexual exploitation and harassment.

Domestic Violence

Only two MPs in the current Parliament were reported as having talked about domestic violence. Yet, they did it only in the context of the Gender Commission and Development Bill, which they observed had provisions on financially assisting victims of domestic violence and providing for cases on sexual offences to be heard *in camera* in order to protect the identity and privacy of victims. Both MPs, Hon. Najib Balala and Vice President, Hon. Moody Awori, reported in March 2003. A former MP, Hon. Josephine Sinyo, also decried domestic violence.

Commercial Sex

When the police mounted a crackdown on commercial sex workers in December 2003 in Nairobi, the media widely reported a number of male MPs as having been nabbed among the male solicitors of commercial sex. However, none of them was ever produced in court. But the female commercial sex workers were arraigned in court and penalised. Three female MPs (Hon. Beth Mugo, Hon. Adelina Mwau and Hon. Cecily Mbarire) criticised the discriminatory act of police locking at the women, yet, leaving their male counterparts out.

Abortion

On this issue, only female MPs were reported to have aired their views. In July 2003, for instance, Hon. Cecily Mbarire, called for the legalisation of abortion while speaking at the launch of the Society for International Development Journal. She said that making the practice illegal had not

deterred it, adding that the Family Protection Bill sought to improve women's lives. At the same time, Hon. Naomi Shabaan called for dialogue among church, political leaders and government on the way forward with abortion while Hon. Adelina Mwau called for its legalisation.

In December of the same year, Hon. Njoki Ndung'u challenged doctors, religious personalities and other leaders to discuss abortion with open minds devoid of emotion and moral high-handedness. This, she said, was to save more than 10,000 women, who died annually from abortion complications.

HIV/AIDS

On February 22, 2004, President Mwai Kibaki was reported to have launched the Women's Aids Conference the previous day where he emphasised partnership between women and men in fighting HIV/AIDS.

Single Women's Rights

At the launch of the Forum for Single Women's Rights in January 2004, Hon. Njoki Ndung'u decried the tendency to define women by their marital status.

Sanitary Towels

During workshops and seminars organised for MPs, FIDA often raised the issue of the taxation of sanitary towels as luxuries and sensitised MPs to the discriminatory and unfair nature of this fiscal measure. In fact, during the workshop with assistant ministers (September 26-28, 2003) and Kanu parliamentarians (June 26-29, 2003) it was one of the issues on which MPs committed themselves to support FIDA's quest. In December 2003, FIDA actually carried a supplement in the press calling on the government to remove the 46% tax imposed on sanitary towels (16% VAT and 30%). They pointed out that the taxes increased the prices of the consumer items, lead to girls dropping out of school during menses and some altogether, and caused girls to use unsafe alternatives, e.g., blankets, tissue paper etc. This call was repeated by the FIDA chairperson, Joyce Majiwa, the same month while presenting a Kshs 50,000 donation to the Kenya Union of Journalists towards the Journalist of the Year award.

The Minister for Health, Hon. Charity Ngilu, specifically petitioned the President on the issue during the national women's HIV/AIDs conference in February 2004. This petition received a favourable response when President Kibaki announced a waiver on the taxes while opening the conference on February 21. The waiver was officially followed up in the Budget Speech on June 10, 2004, by Finance Minister, Hon. David Mwiraria, when he reduced the excise duty from 35% to 25% and removed the VAT of 16%. FIDA, Institute for Education in Democracy, Kenya Human Rights Commission and League of Kenya Women Voters hailed the President's action and singled out the following MPs for their support in lobbying for the action: Hons. David Mwiraria, Charity Ngilu, Martha Karua, Anyang' Nyong'o and Njoki Ndungu.

Widows' Property Rights.

On March 3, 2003, Vice-president, Hon. Moody Awori and nominated MP, Hon. Dr. Julia Ojiambo said that old fashioned customs should not be used to impede widows from managing the estates of their deceased spouses.

On April 25, 2003, the MP for Kerio South, Hon. Nicholas Biwott, opposed the provision in the draft constitution allowing women to inherit property from their parents.

Marginalisation of Women from Leadership Positions

Female MPs were again taking the lead with this issue. In December 2003, for instance, the chair of Kenya Women Parliamentarians' Association (Kewopa), Hon. Beth Mugo, said that women had vowed to protest strongly on "the current trend of marginalizing women in leadership appointments in government positions". The MP said that the Narc constituent parties had not appointed a third of women as agreed by its supreme organ, the Summit. In the same month, Assistant Minister for Gender, Sports, Culture and Social Services, Hon. Alicen Chelaite, said that women were sidelined in policy making and key positions in the country.

In April 2004, Kewopa actually presented the issue during talks with President Kibaki on their welfare in and out of Parliament during which they pointed out that:

- They felt invisible in the day to day running of legislative affairs.
- The number of women considered for parastatal jobs, cabinet positions and ambassadorial appointments was inadequate.
- The distribution of members of parliamentary committees was skewed against women.
- Women had a low profile in political parties.

Affirmative Action

On April 25, 2003, Kerio South MP, Hon. Nicholas Biwott, was reported to have opposed the proposal in the draft constitution to reserve 90 parliamentary seats for women. Hon. Biwott disagreed saying that, since women are the majority voters, they should elect their own to fill the "representation gap".

In August the same year, however, the MP for Olkalau, Hon. Karue Muriuki, contributing to the constitutional review debate, tabled a new Motion on affirmative action seeking a chapter to address imbalances based on gender, age, regions and disabilities. He justified this by citing the fact that the constitutional conference sought to create a new social order with social security systems to cater for the less fortunate and vulnerable members of the society.

On December 2, 2003, Hon. Linah Kilimo said that the government aimed to implement Affirmative Action to facilitate the placement of women in key leadership positions and decision making processes as part of narrowing the gender gap.

Gender and Development Commission Bill

MPs reported to have talked about this Bill were Hons. Najib Balala, Linah Kilimo and Mutula Kilonzo. In March 2003, Hon. Balala expressed his support for the Bill which he said would help co-ordinate and facilitate gender mainstreaming in national development since it contained gender sensitive provisions on politics. Also, he proposed to establish a fund to help victims of domestic violence and aimed to translate international instruments into the domestic context. In November of the same year, while confirming that the Bill had been published, he said that "women in Kenya form the biggest fraction of the marginalised and poor population and without gender equity, the full potential of every Kenyan cannot be harnessed for national development". In marking the International Women's Day in 2004, Hon. Balala revealed that the Government had enacted the National Commission on Gender and Development, which was provided for in the Bill.

In December 2003, Hon. Kilimo said that the Government aimed to establish a Gender Commission to highlight contributions of women and implement affirmative action to facilitate the placement of women in key leadership positions and decision making processes as part of narrowing the gender gap. Meanwhile, Hon Kilonzo, while contributing to the parliamentary debate that passed the Bill in December 2003, was reported to have pointed out omissions in the Bill, e.g., that it did not incorporate the laws that prohibit FGM, wife inheritance, domestic violence and customary marriage, which continue to haunt women.

Parliamentary Rules Discriminating Against Female Legislators

The gender sensitivity of Parliament can be gauged by the responsiveness of its rules and procedures to both female and male members. One rule that has often been mentioned as being discriminatory is the one disallowing members to carry handbags into the chamber, a rule that affects women parliamentarians specifically because carrying handbags is part and parcel of their attire. Two MPs were reported commenting on this issue during the period covered by the review, albeit from a non-supportive position. In November 2003, Hon. Fred Gumo (Westlands) and Hon. Franklin Bett (Narc nominated) challenged women MPs to abide by the existing rule until it was changed. "They just want to attract attention", Gumo is reported to have said. "They must remember that they are law makers and must respect laws. If they are unhappy with the rules, they should work to have them changed"²³.

Comments about FIDA

The sensitivity of parliamentarians to gender issues can also be gauged from their attitudes to women's organisations, exemplified by FIDA, which has often been vilified by detractors. Encouraging though were media reports of positive comments about FIDA. In July 2003, for instance, the former MP for Butere, Hon. Dr. Amukowa Anangwe, said that the association of Kanu with FIDA should be viewed as a positive move to end injustices and discrimination based on gender. Later on in the year, actually in November, Hon. Robinson Githae, the Assistant Minister for Justice and Constitutional Affairs, praised FIDA for its work in helping abused women to express their plight. Speaking at an advocacy forum organised by the Coalition on Violence Against Women (COVAW) in Nairobi, he said that the Government was willing to work closely with civil society on the Domestic Violence (Family Protection) Bill. Nominated MP, Hon. Adelina Mwau at the same forum called upon Hon. Fred Gumo to quit his cabinet post in response to Gumo's accusation on November 2, 2003 that FIDA breaks homes and is full of divorcees²⁴. And at the opening ceremony of FIDA's office in Mombasa, Hon. Najib Balala assured FIDA of Government commitment to bridging gender disparities. Others in attendance were Attorney-General, Amos Wako, Hon. Robinson Githae and Hon. Karisa Maitha.

²³ On November 23, 2003, Cotu Secretary-General, Mr. Francis Atwoli, supported women parliamentarians' demand to be allowed to carry bags into the House.

²⁴ Hon. Gumo's consistency in expressing anti-Fida and anti-women sentiments drew editorial commentaries in the *Daily Nation* issues of July 9, 2003, November 7, 2003 and November 16, 2003 as well as in the *East African Standard* issue of November 5, 2003.

Part three: Primary responses

International Instruments on Women's Rights

The respondents were asked whether they were familiar with the international instruments on women's rights, whether they had copies and where they got the copies from, if they had them. The table below gives the statistical summary of the responses.

Instrument	Familiar	Have a Copy	Copy from FIDA
a. Universal Declaration of Human Rights	63%	50%	25%
b. African Charter on People's and Human Rights	63%	50%	25%
c. International Covenant on Civil and Political Rights	25%	37%	25%
d. International Covenant on Economic, Social and Cultural Rights	37%	13%	0 %
e. Convention on the Elimination of All Forms of Discrimination Against Women (and its optional protocol)	63%	63%	25%
f. UN Fourth World Conference on Women (Beijing Platform for Action)	63	50%	25%
g. The Nairobi Forward Looking Strategies	25%	25%	0 %

The information above shows that majority respondents are familiar with the:

- Universal Declaration of Human Rights.
- African Charter on People's and Human Rights
- Convention on the Elimination of All Forms of Discrimination against Women (and its optional protocol).
- UN Fourth World Conference on Women (Beijing Platform for Action).

It can also be observed that MPs are likely to have a copy of the instruments they are familiar with, but that only a minority received these copies from FIDA, i.e., they have other sources. Specific ones mentioned were academic studies and exposure through other work and forums, e.g., international organisations.

When asked whether they referred to the international instruments in parliamentary debates, only two respondents were affirmative. One said she did not use them because the nature and level of debates in Parliament are such that referring to such documents would only baffle MPs. This finding tally with the review of Hansard records which shows that reference to international instruments and conventions by MPs during the course of debate is negligible.

Use of Various Parliamentary Opportunities

There are various parliamentary avenues through which MPs can express support for women's rights issues. The survey outlined them and asked respondents whether they had made use of the opportunities and, if so, how and with which effect. The table tally the affirmative and negative responses and provides explanatory notes.

Opportunity	Yes	No	N/A ²⁵	Remarks
1. Initiating a parliamentary debate in support of women's rights.	33%	54%	13%	The affirmative responses related to tabling the Gender Commission Bill and debates not specifically on women's rights but on issues that affect women, e.g., on agricultural producer prices.
2. Asking questions in Parliament about actions the government is taking to implement the international instruments it has ratified.	13%	75%	13%	One respondent indicated he has one question coming up on human rights.
3. Filing a petition or appending signatures to petitions on violation of women's rights.	75%	25%	0%	Two affirmative respondents had signed a petition on violence against women, two supported affirmative action at the constitutional conference, one signed up in support of the Children's Bill, one for debt relief and another challenged colleagues supporting Female Genital Mutilation as a customary practice.
4. Moving a private member's motion seeking to domesticate international instruments protecting women's rights.	0%	87%	13%	
5. Seeking ministerial statements on the violation of women's rights.	25%	63%	13%	One respondent sought a statement on safe abortions and another has planned a question on the abuse of women in Kenyan refugee camps.
6. Presenting views on the violation of women's rights to the parliamentary committees e.g. Legal Affairs Committee.	13%	87%	0%	One respondent had not presented views but has received views, being a member of the Legal Affairs Committee.
7. Participating in a television programme to propagate respect for and protection of women's rights.	37%	63%	0%	One respondent had talked on safe abortions and constitutional gains for women, another had addressed gender issues during forums on justice while another addressed women's issues when commenting on the government budget e.g. on health.
8. Participating in a radio programme to propagate respect for and protection of women's rights.	37%	63%	0%	As above
9. Writing newspaper/magazine articles to propagate respect for and protection of women's rights.	25%	75%	0%	One respondent had written on safe abortions and constitutional gains for women.
10. Taking steps to improve women's participation in political party structures.	100%	0%	0%	All respondents cited adherence to party constitutions mandating a minimum percentage of women in party structures and for party nominations to Parliament. One respondent takes the party to task over its commitments to women in the election manifesto. One has ensured that a third of beneficiaries of constituency bursaries and members in HIV/AIDS committees are women.

From the table above, it appears that:

- The most widely used option by parliamentarians to influence policy and legislation is taking steps to improve women's participation in the structures of political parties, claimed by all respondents.
- The second most widely used option is appending signatures in support of petitions on violation of women's rights.

²⁵The case of Not Applicable refers to respondents who, by virtue of being in the Cabinet, cannot exercise some options.

- Other options used but by slightly less than 50% of the MPs are participation in radio and television programmes.
- The least used option is moving a private member's motion seeking to domesticate international instruments protecting women's rights.
- Other rarely used options are:
 - a) Initiating parliamentary debates in support of women's rights.
 - b) Asking questions in Parliament about what actions the government is taking to implement the international instruments concerning women's rights that it has ratified.
 - c) Seeking ministerial statements on the violation of women's rights.
 - d) Presenting views on the violation of women's rights to parliamentary committees.
 - e) Writing newspaper articles.

Improving Gender Sensitivity of Legislators

As to whether interactions with FIDA improved the gender-sensitivity of legislators, 67% of respondents indicated that they had been made more gender sensitive through interactions with FIDA. 13% gained sensitivity through their long-standing work on women's rights issues while 6% cited that their gender sensitivity was not a sole result of these interactions, but from the liberal family background they came from, which developed their commitment to social justice. Those who indicated they had become more gender sensitive cited as evidence the fact that:

- They now appreciate that gender is all embracing and should be mainstreamed.
- They are aware about women's rights and hence are inclined to address them at constituency level e.g. by initiating economically empowering projects for women, providing women with information, creating space for them to contribute their views in community meetings and including women in constituency development and HIV/AIDS committees.
- They are less hostile towards FIDA.
- They have voted for gender responsive Bills, e.g., the Gender Commission Bill.
- They can relate theoretical discourse on gender to reality.

Increase in Gender Sensitivity of Parliament

A question was put to respondents as to whether Parliament has become any more gender sensitive during the period they have been there. 75% respondents answered affirmatively, 12.5% in the negative and 12.5% did not make a categorical response as they were first term in Parliament, hence, lacking comparative experience. One respondent observed that many colleagues are insensitive and pay lip service to women's rights issues during conferences with FIDA, but when it comes to voting, they do not vote the expected way because of mob psychology in Parliament.

Those indicating that Parliament had become more gender sensitive cited the following as supportive evidence:

- There are more women in Parliament (through election and nomination) and women's issues have become more visible because the women MPs are very vocal about them.
- There is general acceptance and toleration of the voices and views of women MPs, i.e., acceptance that they are not just cosmetic participants in the House.
- More women than ever before have been elected to parliamentary committees.
- More male MPs are aware of gender issues as a result of sensitisation by FIDA and other

civil society organisations as well as the constitutional review conference. Because of this, there is discernible respect for female MPs and there are fewer gender insensitive jokes, contemptuous comments about women MPs and mannerisms relating to women legislators.

- The attitude towards FIDA is changing from being outright hostility to appreciation and understanding.

However, some respondents pointed out that the level of sensitivity is compromised by:

- The militancy of some women MPs which evokes hostility of some male MPs to women's issues.
- Demeaning attitudes as in references by some male MPs to women MPs as "flowers", i.e., just useful for their decorative purpose in Parliament.
- Fluctuating membership of parliament due to elections which see some sensitive legislators being dropped by the electorate.

Summary of Focus Group Discussion with MPs over Breakfast Meeting on July 20, 2004

Hon. Bonaya Godana: Hon. Godana stated that the first training FIDA Kenya held with KANU clarified to them what FIDA does and stands for. The video shown on domestic violence was very informative and shed light on the work of FIDA. He observed that although he appreciates that FIDA has challenges with regard to resources, there is need for it to go to middle level, rural and nomadic areas to reach women (North Eastern). He averred that he works for all his constituents, does not discriminate but actually makes deliberate efforts to enhance women's participation in any constituency development committees as legally mandated, e.g., two women in the Constituency Fund and HIV/AIDS fund. On a light note, he remembered the words of Hon. Marsden Madoka viz: *"Let us have these women so that they can change the image of KANU."* It is from this that four women were elected and nominated to Parliament through KANU

Hon. William Ruto: Previously Hon. Ruto thought that FIDA Kenya's agenda was to fight men until he attended FIDA Kenya's training in Mombasa. He commended FIDA Kenya's good work in assisting society to appreciate diversity and improving women's empowerment. Politicians always rely on women votes as opposed to men since they are reliable and vote as block, he said. Hon. Ruto said that as a result of FIDA Kenya's training he has made a deliberate effort to nominate a woman, who works with the Red Cross, to head the HIV/AIDS constituency fund. He went further and incorporated an HIV/AIDS infected woman in the same committee, which has a ratio of 50:50 for men and women. He finally said that he hopes to do a lot with FIDA Kenya to enhance women's rights.

Hon. Marsden Madoka: Hon. Madoka's interaction with FIDA Kenya made him realize the importance of NGOs in development. He has been promoting women's rights in his constituency, he said. FIDA Kenya's intervention helped him understand the important role that women play in development. However, he noted that even before he interacted with FIDA, he had a soft spot for women giving the example that, when he was a manager of Kenya Breweries Limited in the 70's, he ensured that three women were recruited as human resource managers. He noted that one of the challenges women continue to face was that their husbands hardly encouraged them to take leadership positions. He was also concerned that women, who excel in leadership, tend to come from unstable family backgrounds hence the need for FIDA Kenya to sensitize women on how they can merge family issues and leadership roles. He cited Hon. Grace Ogot (former MP) as an example of the harmony. He applauded FIDA Kenya for its good work, but insisted that FIDA Kenya must work towards improving the wrong public image it has. He said that women's minimal contribution in Parliament is due to their relative small number which makes it impossible for

them to go round all the committees. In the future, he said, his party would conduct interviews to select as its nominees women who have the capacity to perform.

Recommendations

The MPs recommended that:

- FIDA Kenya should take a lead in making sure that women in leadership are empowered and encouraged to continue.
- FIDA should continue to empower women through extensive training and awareness creation particularly in marginalized areas. Women MPs should be empowered to enable them contribute more in parliamentary debates.
- Women should be encouraged not to shy away from dirty politics but to take on leadership positions at all levels and change the current trend
- FIDA should establish a database of women who can take up leadership positions.
- Education should be emphasized as the key to empowering women.

Gender Insensitive Structures and Procedures of Parliament

Respondents were asked to specify, what they regarded as structures and procedures in Parliament that should be changed to make it friendlier to women legislators. While all female respondents were of the opinion that there are a number of parliamentary procedures and structures that are gender-insensitive, male respondents had opposing opinions with two saying that there were no insensitive factors, two identifying the issue of carrying bags into the debating chambers as the only issue and one pointing out that the only issue was the changing rooms and toilets. The last respondent also thought the handbags issue is ridiculous and should not be given the attention it is attracting. The female MPs, however, pointed out the following insensitive elements:

1. The parliamentary motto emblazoned at the entrance viz: "For the just government of men", which ignores women as citizens.
2. The rule requiring women to leave their bags on the floor when they enter the debating chamber, which one respondent likened to asking men to leave their jackets, and which she regarded as demeaning and obnoxious.
3. Lack of a maternity policy for female MPs.
4. Jumping up from the seat to get the speaker's attention during debates, which is not dignified.
5. Masculine parliamentary structures and culture.

Other unsatisfactory conditions mentioned were:

1. Drabness of parliament.
2. The height of pigeon holes beyond the reach of some MPs.
3. The British procedures and attire.
4. The enormous powers of the speaker that can easily be abused depending on who is on the seat.
5. Lack of detailed induction of new MPs.
6. Standing orders generally.

Gender Insensitive Laws

As a way of determining possible future focus of work with MPs, the survey sought to establish what current laws the legislators consider to be gender insensitive and require reform. The major areas of concern mentioned by different respondents were:

- Employment/Labour.
- Criminal offences with regard to sexual violations and domestic violence.
- Marriage.
- Property inheritance and succession.
- Citizenship.
- Immigration.

Two respondents, one female and the other male, were of the opinion that current legislation is so replete with gender insensitivity that it requires an overhaul. It was also mentioned that the draft constitution has made progressive recommendations that would address some gaps in legislation.

The MPs were also asked whether they intended to do anything about the insensitive laws during the life of the current Parliament. Only two responded in the affirmative with one indicating intention to support the Family Protection Bill when it is re-introduced for debate, and another indicating that she would support FIDA to draft Bills for presentation to the Attorney General and lobby MPs to support them.

Tour of Scandinavian Countries

The MPs that have benefited from the study tours to Scandinavian countries (Norway and Sweden) were asked to specify what they learnt. The responses were not very detailed but generally indicated that the tours were eye-opening on how gender issues can be addressed institutionally. For example, the countries have strong parliamentary committees that address cross-cutting issues such as gender, the institution of the Ombudsman and the policy of parental leave (maternity and paternity leave). Of the last, one respondent was impressed by the implementation process namely: that the leave is compulsory; the first two months are taken by both parents simultaneously; the leave is alternated such that, when the father takes it, the mother goes to work and vice versa; and financial allowances are also given to the parents on leave.

General Application of the FIDA Training

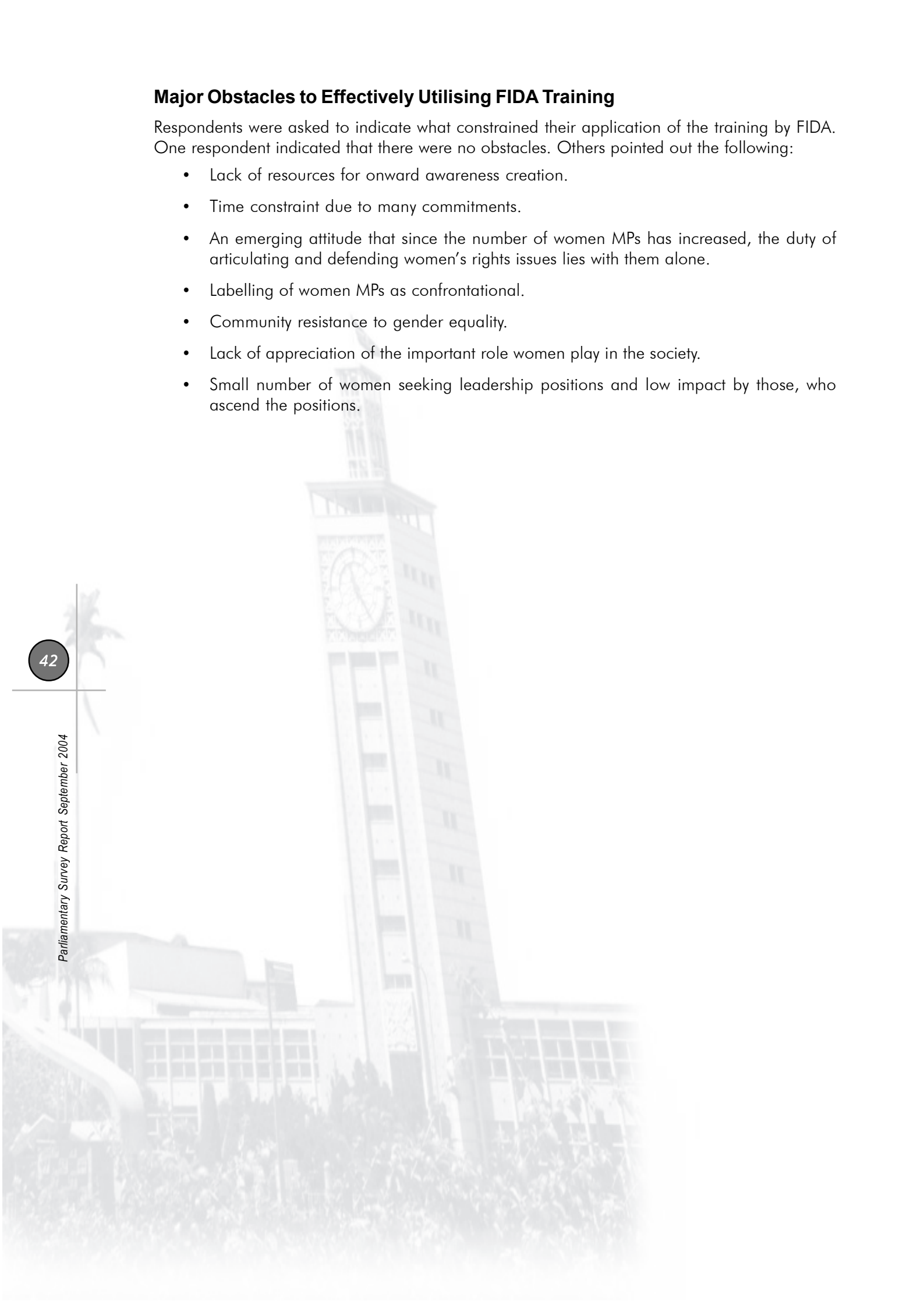
Respondents were asked to indicate what steps they have taken as a result of the training and awareness by FIDA to influence laws and policies in favour of women's rights. Different individuals had taken different steps, among them:

- Campaigning against gender insensitive laws.
- Addressing public meetings and making public pronouncements about gender disparities at constituency level and advocating for gender equality.
- Ensuring that all constituency committees have women constituting at least one third of the members.
- Using their influence at constituency level to ensure that women ascended leadership positions.
- Developing motions to move in Parliament, e.g., on safe abortion and abolition of maternity fees in government hospitals.
- Voting in Parliament for relevant Bills and motions.

Major Obstacles to Effectively Utilising FIDA Training

Respondents were asked to indicate what constrained their application of the training by FIDA. One respondent indicated that there were no obstacles. Others pointed out the following:

- Lack of resources for onward awareness creation.
- Time constraint due to many commitments.
- An emerging attitude that since the number of women MPs has increased, the duty of articulating and defending women's rights issues lies with them alone.
- Labelling of women MPs as confrontational.
- Community resistance to gender equality.
- Lack of appreciation of the important role women play in the society.
- Small number of women seeking leadership positions and low impact by those, who ascend the positions.





*CNU workshop on Mainstreaming Gender and Human Rights.
Whitesands Hotel on 16th-17th April 2004.*

Summary and Conclusions

This chapter gives a round-up interpretation of the findings and conclusions based on achievements realised by FIDA in working with MPs, lessons learnt and challenges faced. It forms the basis for the next chapter which presents recommendations on the way forward.

Concerted Efforts

During the workshop on the role of parliamentarians in implementation of international treaties and conventions on April 5, 2001, Hon. Musikari Kombo candidly admitted that, before the workshop, he, “like many other parliamentarians, was unaware of the role of Members of Parliament in enforcing international instruments” adding that perhaps it would be “more effective if they were targeted in smaller groups”. FIDA picked up the cue and from September 27-29, 2001, hosted a workshop for parliamentary select committees (Health, Housing, Labour and Social welfare), NGOs, advocacy groups and other interested parties on developing linkages for legislative advocacy. This confirms FIDA’s commitment and consistency in seeking to establish efficient ways of mobilising legislators towards realising its aims.

Objectivity

FIDA’s approach to its work with legislators is anchored on objectivity and candid appreciation even if it criticises unsatisfactory performance by legislators and the Government as duty bearers on women’s rights issues. Its positive outlook is revealed in the acknowledgements of the positive steps taken by the government on various issues, such as:

- Publication of the draft Constitution, which, in Section 34, expanded the definition of discrimination to include sex and aligned it with CEDAW and the African Charter on Human and People’s Rights as well as the protocol on the rights of African women.
- Government’s endorsement of affirmative action in the constitutional debate.
- Establishment of a gender thematic group in the Poverty Reduction Strategy Paper (PRSP) formulation process and Economic Recovery Strategy.
- Publication of the HIV/AIDS Prevention and Control Bill, whose proposal would greatly impact on women’s health rights.
- Establishment of a Ministry of Gender, Sports, Culture and Social Services, elevation of the Women’s Bureau in its functions and responsibilities and adoption by the Ministry of a gender mainstreaming strategy.
- Appointment of women to senior public positions by President Kibaki.
- Passage of the National Gender and Development Commission Bill.
- Introduction of free compulsory primary education which would positively impact on girls’ enrolment and completion.
- Reduction of taxes on sanitary towels.

Mobilisation Strategies

The methods used by FIDA to mobilise the MPs for its events have been effective to different degrees and for different reasons. In FIDA’s experience, the most effective have been party structures, parliamentary committees and workshops. When FIDA targeted specific parties, the turnout of MPs was always impressive, which enhanced the number of MPs reached. This was

realised with CNU, Kanu and NAK where there was 100% attendance. The use of parliamentary committees was also successful because the committees invited FIDA afterwards for further consultation. Workshops have been effective because they allow the interaction between MPs and FIDA, last long enough to tackle key issues and lead to the development of plans of action that are used to track commitments made by the MPs on issues of interest to FIDA.

Implementation and Accountability

The various activities that FIDA has held for the Members of Parliament culminate in action plans or expression of commitments on specific support that the legislators would give to the women's rights issues in Parliament and in public. Not only did the survey confirm that this is an effective way of garnering the support of the MPs and holding them accountable, it also established that most of the MPs actually do support the causes they have committed themselves to. This arises from the factors of fidelity to personal honour but also from a better understanding of what FIDA stands for as well as the understanding that supporting the cause of women's rights is support for the country's development.

Pronouncements at the August 2004 inter-parties consultation forum confirmed this with all the representative speakers from the parties present making very progressive remarks²⁶. But more gratifying were pronouncements from some MPs to the effect that the work FIDA has been doing with the MPs is to enable them to replicate the message and action in their constituencies. This remark came from Hon. Omwanchia Okioma when some of his colleagues kept asking FIDA to expand its outreach to which he said that "FIDA is not a Government Ministry" and could not be expected to have a national outreach. This remark gratifyingly shed light on the purpose and vision of FIDA's work to those who were dissenting. It proved that some MPs have certainly got the gist of why FIDA is engaging them.

Study Tours

Whereas the idea of sending MPs to study tours of Scandinavian countries is a good strategy in terms of getting them to practically learn and observe how gender mainstreaming can be practically done and to confirm that FIDA is not asking for something outlandish or impossible, it is certainly an expensive venture. Interviews with those, who had benefited from the tours, also did not yield very categorical lessons that legislators were planning to implement locally. This probably indicates that the tours are rather open-ended with no structured and specific investigative points upon which the beneficiaries are expected to act on return.

Positions of Legislators on the Affirmative Action Bill

The majority of those who contributed to the debate, actually 85%, supported the Bill. Only 15% opposed it and none was ambivalent. Only three MPs, two of them female, referred to international instruments on women's rights namely the Platforms for Action and United Nations Human Rights Charter with one referring to the conventions generally.

Positions of Legislators on the Domestic Violence (Family Protection) Bill of 2002

Out of the 16 MPs (two female and 14 male) who contributed to the debate on the Bill, both the female MPs and eleven (11) male MPs supported it. Four MPs, all male, opposed the Bill while one was ambivalent. Judging from the pattern alone, one would be justified to conclude that majority MPs supported the Bill. Of the MPs who supported the Bill, 44% had participated in FIDA's activities at one time or another. From this pattern, it can be concluded that interaction with FIDA probably played a role in influencing their positions. Only one MP referred to international instruments on women's rights (CEDAW), what again confirms that the reference to such instruments is minimal.

²⁶ Parties present were Narc, Kanu, Ford People, Safina and Sisi kwa Sisi.

Pronouncements of Legislators Reported in the Print Media

The array of issues covered in public pronouncements of legislators includes: general discrimination against women, female genital mutilation, early marriages, rape and defilement, sexual exploitation/harassment, domestic violence, commercial sex, abortion, HIV/AIDS, single women's rights, sanitary towels, women's property rights, marginalisation of women from leadership positions, affirmative action, the Gender and Development Commission Bill, parliamentary rules discriminating against female legislators and comments about FIDA.

The main findings are that:

- Virtually all female MPs have been reported as commenting on one or another subject on women's rights.
- By far the most vocal MP reported is Hon. Lina Kilimo, and her pet subject is Female Genital Mutilation.
- Among the male MPs, Hon. Najib Balala takes the lead, a factor that could easily be related to his holding then of the Ministry, in whose docket gender issues fell.
- The subjects most talked about are Female Genital Mutilation and sexual violations (rape and defilement).

When they talk about FGM, MPs tend to point out:

- The negative effects of the practice, especially the social ones.
- That the practice is outlawed by the government and therefore practitioners face legal arrest.
- There is still scope for legislation on the practice to seal loopholes that allow for its continuation.
- The practitioners derive a livelihood from the practice and could probably stop it, if they had alternative sources of income.

About rape and defilement, female MPs come out as the most concerned, going beyond theoretical condemnation of the practice to practical solidarity with the victims. They are also unhappy about the legal penalties for the crimes, which appear not to be deterrent enough.

Women MPs are again the ones that feel most concerned about the low representation of women in leadership and decision making positions and are seeking to address it from the highest office in the land, the presidency²⁷.

Gender and Development Commission Bill

The passing into law of this Bill establishes a legislative government framework for mainstreaming gender in national development and provides a formal mechanism through which the Government can be asked to account.

Supportive MPs

A number of former and current MPs are recognisable for supporting favourable positions on women's rights issues judging from parliamentary debates, public pronouncements and FIDA's own assessment. They include President Mwai Kibaki, Uhuru Kenyatta, Kiraitu Murungi, Robinson Githae, Njoki Ndung'u, Phillip Rotino, Sammy Leshore, Norman Nyaga, Alicen Chelaite, Wanyiri

²⁷ Fida readily acknowledged steps taken to increase the number of women in leadership positions. In October 2003, for example, Fida hailed President Kibaki for appointing the following women into important positions: Prof Maria Nzomo (High Commissioner to Zimbabwe), Raychelle Omamo (Ambassador to France), Mary Donde Odinga (Ambassador to Egypt), Violet Mavisi (Deputy Chair, Kenya National Human Rights Commission) and Fatuma Sichale (Vice Chair, Anti-Corruption Board). See *Kenya Times* October 5, 2003.

Kihoro, Beth Mugo, Martha Karua, Jimmy Angwenyi, Anyang' Nyong'o, Amos Wako, Danson Mungatana, Dalmas Otieno, Adelina Mwau, Raila Odinga, Jembe Mwakalu, William ole Ntimama, Nicholas Biwott, Noah Katana Ngala, Simeon Nyachae, Karisa Maitha (deceased), Wycliffe Osundwa, Zipporah Kittony, Paul Muite, Lyula Khamasi, Amukowa Anangwe, Christopher Lomada, Cecily Mbarire, Jayne Kihara, Julia Ojiambo, Betty Tett, Esther Keino, Amina Abdalla, Mutula Kilonzo, Josephine Sinyo, Ruth Oniang'o, Najib Balala, Karue Muriuki, Linah Kilimo, Charity Ngilu, Naomi Shabaan, Moody Awori, Mukhisa Kituyi, Peter Odoyo, Bonaya Godana, Marsden Madoka and Billow Kerrow.

The support has been evidenced in initiation of motions, gender sensitive positions during parliamentary debates, lobbying behind the scenes to get the support of other colleagues, pursuing specific issues such as removal of taxation on sanitary towels, and making public pronouncements on women's right issues. Over time therefore, a pool of MPs that can be relied on by FIDA has emerged.

Seeking Information from FIDA

One measure of the impact of the exposure that was examined is, whether MPs recognise FIDA as a possible source of technical information that they can use to back up their parliamentary work, especially when dealing with women's rights issues. When asked whether they had ever sought any information from FIDA, what the information was needed for, whether such information was provided and how it was used, it was established that only one (female) respondent had sought information from FIDA. In this case, it was to help her political party develop a gender policy²⁸. Two other respondents, again female, work regularly with FIDA in exchanging information and strategising to influence legislation. Six respondents had never sought any information from FIDA.

It is concluded that, generally, MPs are not very pro-active in seeking information from FIDA. But when this happens, it is more likely to be from female MPs than their male counterparts. This trend could be because either: MPs feel content with the information provided by FIDA during formal interactions, MPs are not aware of extra information they can seek from FIDA or there is simply a laxity with regard to seeking additional information.

Referring Clients to FIDA

Another indicator looked at was, whether MPs that have interacted with FIDA have referred clients to the organisation before or after the exposure. When this question was put to respondents five (5) answered affirmatively, four of them after attending a FIDA activity and one before. Two had never referred any client to FIDA. One of these was, however, in the process of doing so for a rape victim. The other, who has not referred to FIDA, is nevertheless providing legal assistance to a Kenyan woman, who is fighting for the custody of her child in a foreign country and has petitioned the Ministry of Foreign Affairs to intervene.

For those who had referred clients, the feedback they received was discouraging. In one case, the client complained about delay in being attended due to the fact that FIDA takes only 10 new clients per day. In another case, clients were frustrated because the FIDA office in Kisumu is small and cannot handle all the referred cases fast and, since the clients travelled long distances to reach the office, they could not make repeat visits. In the third case, those referred claimed they were not assisted but the referee discerned that it was not because of FIDA's unwillingness or inability, but rather that the clients expected instant services and did not realise that legal processes are long, tedious and require patience.

It is concluded that exposure to FIDA is likely to lead to MPs referring clients to the organisation.

²⁸ This was done by the women MPs in that party but the policy has not yet been developed.

Other Requests for Support

The other types of support MPs have been asking from FIDA are in the form of:

- Information packs and reports.
- Technical assistance in researching and drafting Bills/Motions, e.g., on maternity leave for MPs.
- Holding of legal open days in constituencies.
- Capacity building, e.g., before the constitutional review conference on how to present Motions and lobby for support.
- Legal backup on constitutional review, e.g., interpretation of articles.
- Study tours.

Generally, FIDA has been able to respond to the requests especially in providing information. But at times, FIDA is limited in response. For example, legal open days require time to be organised and carried out. Women referred for legal assistance do not always leave satisfied because of the frustrations of going through protracted procedures which do not always yield instant results.

On its own initiative, FIDA also provides information even where it is not requested for, but when there is need for such information to influence an upcoming debate or event. Examples are with regard to safe abortion, the Domestic Violence Bill, the Affirmative Action Bill and the Equality Bill.

Membership in the National Aids Council

One of the commitments made by the assistant ministers during their workshop was to assist FIDA to gain membership in the National Aids Council. The survey established that FIDA has indeed gained such membership, and that one of FIDA's council members sits on the Aids Advisory Committee.

Support to Bills

The assistant ministers and Kanu also pledged to support a number of Bills in which FIDA had an interest. MPs that have been sensitised by FIDA report that they influenced the passing of various Bills into law and domestication of the international instruments through contribution to Motions in Parliament, revision/renewal of Bills, lobbying colleagues and giving FIDA a chance to make submissions at committee level. The claim was corroborated by FIDA itself when asked to assess the contribution of MPs it has reached. The Bills that have been passed into law and other proposals implemented since FIDA started working with the legislators are as narrated below.

Children's Act (2001)

The Bill was passed and has been enacted. It domesticates the Convention on the Rights of the Child and makes various provisions that are gender responsive, e.g., criminalising Female Genital Mutilation for those below 18 years of age.

National Commission on Gender and Development Bill (2003)

This Bill was passed, enacted and commenced on January 9, 2004²⁹. All respondents indicated that they supported it.

Removal of taxes on sanitary towels and diapers

All respondents supported this proposal and were gratified when it was implemented by the Minister for Finance when reading the 2004 national budget. One respondent indicated that she had

²⁹The Commission is charged to participate in formulation of national development policies, supervise implementation of national policy on gender and development, advise on gender mainstreaming, assess progress made by the government in gender mainstreaming etc. Among the provisions of the Act are that a gender specialist shall be a member of the Commission, specific slots are allocated to women members, and at no time will the membership by one gender exceed two thirds.

lobbied the Minister for Finance to make a budgetary statement and influenced personalities to intercede with the President. The President eventually made a statement waiving the taxes, and this was followed up by a budgetary action although not all the taxes were removed. One respondent in fact observed that the reduction was insignificant and did not really change the situation for poor women.

Criminal Law Amendment Act

This was passed into law with the enhancement of the sentence for defilement from 14 years to life imprisonment.

Other Bills that are yet to be presented for debate in Parliament, but on which the various forums had expressed support by MPs, are as follows.

Family Protection (Domestic Violence) Bill

The time for this Bill lapsed before it was debated so it has to be introduced into Parliament afresh. FIDA has already revised the Bill and presented it for discussion at the inter-party consultations held in Mombasa from August 22 to 24, 2004, and in Naivasha from September 22 to 23, 2004. Discussions at the forums revealed that there are still areas that many legislators would be uncomfortable with, and that would jeopardise its chances of being passed when re-introduced in Parliament.

HIV/AIDS Prevention and Control Bill (2003)

This Bill, which was published by the Government in the *Kenya Gazette* of September 23, 2003, is yet to be debated. However, one respondent indicated that he recognises that women bear the brunt of the disease and he supports legislation on it. Another supported punitive action on people, who spread the disease deliberately, and is a proponent of affordable treatment for the infected.

Persons with Disabilities Bill

The Bill has neither been published nor presented for debate in Parliament.

Refugee Bill

The Bill has neither been published nor presented for debate in Parliament.

New laws governing marriage, divorce and matrimonial property

Relevant Bills on these issues have not yet been presented to Parliament. But one male respondent indicated that he has financially supported a woman who took court action on matrimonial property. The same respondent would support new laws governing marriage and divorce, but was categorical that this would be as long as the Bill does not promote the western style of divorce which he regards as simplistic, individualistic and does not recognise that divorce in Africa has ramifications beyond the immediate protagonists.

Linkages with Ministries for Gender Mainstreaming

In the forum with assistant ministers, FIDA pledged to strengthen linkages with ministries and provide them with technical support. When the survey investigated the extent to which this has been achieved, it was found out that FIDA:

- Has linkages with the Ministry of Gender, Sports, Culture and Social Services which it assists with capacity building, drafting of Bills and lobbying for support.
- Has established good and continuous working relations with the Ministry of Justice and Constitutional Affairs.

- Works with the Attorney-General's office in drafting of Bills, e.g., the Family Protection (Domestic Violence) Bill.
- Has signed memoranda of understanding with ministries of: Education (free primary education), National Security, Finance (zero rating of sanitary towels) and the head of the civil service (on government compliance with international human rights instruments).
- Monitors the government's achievements on gender mainstreaming through CSW shadow reports, annual reports distributed to MPs and CSOs and fact sheets on specific concerns. In fact, FIDA submits shadow reports to international bodies on implementation of CEDAW by the Government, and attends the CSW meetings.
- Simplified and produced information packs on the Family Protection (Domestic Violence) Bill, which were disseminated to MPs in June 2002 through a cocktail party at the Grand Regency Hotel.

However, these linkages do not include an annual forum to review progress made by the government in gender mainstreaming, which is one of the pledges FIDA made.

Highlights of FIDA's Shadow Statement to the 48th CSW Session held at UN Headquarters in New York, 1st – 12th March 2004

1. The NARC government in the year 2003 introduced compulsory free primary education for all, which is laudable as it is bound to have a positive effect on the education of girls. However, there is still the danger that boys will benefit more from this policy.
2. The government's passing of the Children's Act in 2001 is laudable as it serves to address some of the traditional practices that affect girls' retention in the school system. Key among these was Female Genital Cutting (FGC) and forced early marriages.
3. The government's policy on return to school for pregnant girls is also laudable. But the policy is just a directive and not legislation. Thus there have been instances where certain school heads have denied affected girls re-entry.
4. The efforts by the government to encourage men to take responsibility for the spread and control of HIV/AIDS are laudable.
5. 44% of married, divorced or separated women aged 15 – 49 report that they have been either sexually or physical violated by their husbands or partners. Despite this, there is a continued tendency to treat most gender based violations and particularly domestic violence as occurring in the private sphere and hence requiring private solutions. In most instances, when these violations occur, women and girls are unwilling to report the same because of the attitudes of the law enforcement officers. The first point of contact for most of these women and girls are Chiefs and Assistant Chiefs – the lowest administrative level. This is an institution that is dominated by over 85% men.
6. The Bill that would have served to deal with instances of violence in the family has lapsed and the Government is yet to republish the same in Parliament. Failure by the Government to pass the Bill is therefore another example of lack of will to enhance gender equality.
7. There are rising incidents of defilements of young girls by older men. Whereas the Criminal Law Amendment Bill, which enhances the sentence for defilement from 14 years of life imprisonment, has been enacted, little effort is made to curtail the defilements.
8. The constitutional review process has dragged on with no end in sight. The gains that women have identified in the draft are still threatened by the customs and practices that are portrayed by some of the delegates at the conference.
9. The lack of a critical mass of women in positions of decision making and particularly in Parliament means that women's issues are still left out at the negotiating table.

10. The new Government set up a Task Force on the establishment of the Truth, Justice and Reconciliation Commission. The appointment by the government of 30% women out of the 18 members of the Task Force was commendable. However, the participation of women in the public hearings of the task force was dismal, a factor that could be related to the Government's failure to prepare women to participate in the public hearing
11. Whereas the current Government's appointments of women to key positions of leadership is a great improvement relative to the former regime, the participation of women in decision making positions is still very low and certainly below 30%. In Parliament, the supreme law making body, only 18 out of 122 members are women.
12. The education policy on sexual and reproductive health is unclear. This ignores a very important avenue to involving young men in responsible behaviour as far as their sexuality is concerned.
13. The school curriculum also does not encompass gender training.
14. The existing Employment Act still has provisions that discriminate against women by providing that women should not work in certain industries or during certain hours that are considered to be unsafe or insecure. The Act still provides for only maternity leave and there is no provision for paternity leave. It states that a woman who takes her two months maternity leave shall forfeit her annual leave, which is punitive. As well, the number of women who have lost their employment for getting pregnant is on the rise and there is no particular provision in the Act protecting women against such discrimination
15. To date there is no legislation on sexual harassment despite numerous complaints of such violations by both men and women at the work place.
16. No deliberate efforts have been made to change the prevailing trends where female teachers are the majority teachers in the elementary and pre school classes, to boot an extension of the biological roles of women as mothers.
17. The cost of the female condom still remains so high yet the male condom is provided free of charge in Government hospitals and is commercially available at minimal costs.

International Instruments on Women's Rights

The number of MPs familiar with international instruments on women's rights is just about 50%. The specific instruments that are likely to be known to MPs are:

- Universal Declaration of Human Rights.
- African Charter on People's and Human Rights
- Convention on the Elimination of All Forms of Discrimination against Women (and its optional protocol).
- UN Fourth World Conference on Women (Beijing Platform for Action).

Further to this, MPs are likely to have a copy of the instruments they are familiar with. However, these copies were not necessarily received from FIDA. But, whether they are familiar with and have copies of the instruments, MPs rarely refer to the documents during parliamentary debate. In this regard, it is concluded that the objective of training the legislators on these instruments has hardly been achieved.

Use of Various Parliamentary Opportunities

Among the various options available to MPs to influence legislation and policy in support of women's rights issues, the most widely used is taking steps to improve women's participation in the structures of political parties. This is perhaps because of the fact that most parties have mandated this requirement in their constitutions and therefore hardly any choice exists for deviation. It also confirms the value of affirmative action as a means of bridging gender gaps, at least as far as participation, inclusion and visibility is concerned.

The second most widely used option is appending signatures in support of petitions on violation of women's rights. This is essentially an easy option to exercise and anyone conscious of the need to be politically correct can exercise it.

Participation in radio and television programmes, which was used by slightly less than 50% of the MPs, indicates that perhaps not many MPs, who profess support for gender sensitive positions, are ready to articulate the same in public or have adequate information, which they can use to articulate and defend the positions in public forums.

It is disappointing that the in-parliament options are the ones used least by MPs given that these present the most strategic opportunities for influencing legislation. In fact, the fact that no respondent moved a private member's motion seeking to domesticate international instruments protecting women's rights, that hardly any respondent initiated parliamentary debates in support of women's rights, asked questions on actions the government is taking to implement the international instruments, sought ministerial statements on the violation of women's rights or presented views on the violation of women's rights to parliamentary committees betrays what might be regarded as lip-service to women's right issues.

Improving Gender Sensitivity of Legislators

Interaction with FIDA has certainly improved the gender-sensitivity of legislators as evidenced in their greater appreciation of the need for gender mainstreaming, inclination to attend to women's concerns at constituency level and ensure inclusion and participation of women in constituency structures, reduced hostility towards FIDA and voting for gender responsive Bills.

Increase in Gender Sensitivity of Parliament

Majority MPs feel that the general sensitivity of Parliament has improved. The first contributing factor to this improvement is the larger number of women in Parliament, vocal ones at that, which has led to greater visibility of women's issues. This has resulted in general acceptance that women legislators have the right to articulate their views. The second factor is that there are now more women elected to parliamentary committees, meaning that they have a bigger opportunity to influence parliamentary business but also an indication that the club mentality among male legislators is probably on the wane. The third factor is that more male MPs have been sensitised by FIDA, other civil society organisations and the constitutional review conference. In short, there is discernible respect for female MPs, fewer gender insensitive jokes and contemptuous comments about women MPs and the acceptance that Parliament belongs to both males and females.

However, veritable improvement is still limited by:

- Outright resistance to gender mainstreaming and to FIDA by some MPs.
- Masculine parliamentary structures and culture.
- Lingering demeaning attitudes to women MPs.
- Fluctuating membership of Parliament due to elections which see some sensitive legislators dropped by the electorate.

Gender Insensitive Structures and Procedures of Parliament

While female legislators consider that a number of parliamentary procedures and structures are gender-insensitive, male legislators hardly think so. It seems to be an issue of the wearer of the shoe knowing where it hurts. The obviously insensitive elements of Parliament include:

- The parliamentary motto emblazoned at the entrance viz: "For the just government of men", which makes women invisible citizens and alienates the female legislators.
- The rule requiring women to leave their bags on the floor when they enter the debating chamber, given that the bags are necessary accoutrements for keeping their eye glasses, handkerchiefs and other wares.

- Lack of a maternity policy for female MPs.
- Masculine parliamentary culture.
- Lack of or distant wash rooms relative to males who have theirs in close proximity to the chambers, i.e., those who constructed Parliament never imagined that women would one day become members.
- Inadequate induction of new MPs to parliamentary work.

Gender Insensitive Laws

At least the MPs reached by FIDA recognise the existence of laws that are gender insensitive and require reform. The obvious ones are:

- Employment/Labour.
- Criminal offences with regard to sexual violations and domestic violence.
- Marriage.
- Property inheritance and succession.
- Citizenship.
- Immigration.

However, these may not be the only insensitive laws. As well, MPs recognise that the draft constitution has made progressive recommendations that would address some gaps in legislation with regard to gender sensitivity. Disappointing though is that only a minority of the MPs have any concrete plans to initiate action to reform the insensitive legislation. This illustrates a possible lack of commitment to the issues or a lack of appreciation of the opportunities available through Parliament to challenge and eventually reform the legislation.

General Application of the FIDA Training

As expected by FIDA, MPs apply their exposure and training to FIDA in a variety of ways, the most common being:

- Voting for relevant Bills in Parliament.
- Making public pronouncements on gender issues.
- Acting at constituency level to ensure gender balanced membership of structures.

Major Obstacles to Effectively Utilising FIDA Training

The application of the training by FIDA among MPs is constrained by time and resource constraints, attitudes and inadequate number of women in leadership positions to create a critical mass. The time and resource constraints refer to the fact that MPs apparently have many demands on their time and financial resources, which makes it difficult to initiate consistent and concerted constituency level work on women's rights issues. But, although this may be generally true, it perhaps indicates a lack of prioritisation of gender issues and a deficient realisation that gender equality issues are part and parcel of development issues and should therefore be tackled within the MPs' routine tasks. The attitudes concern those by individual MPs to gender issues and the patriarchal community cultures. The lack of women in leadership positions creates a hiatus in terms of quantitative momentum in pushing the women's rights issues and the development of a bargaining power in the political arena.

Strengths, Weaknesses and Lessons

From the foregoing analysis and other information generated from the survey, the main strengths, weaknesses and lessons derived from the project are as follows.

Strengths

- FIDA members, who are MPs, lobby and help FIDA to access legislators.
- The continuous work with MPs and track record in working on women's rights issues especially in the provision of legal aid has improved FIDA's credibility and image among MPs and enabled it to establish rapport even with erstwhile critics.
- The ability of FIDA to identify legislative gaps has ensured that its work with MPs is well focused.
- The collaboration of FIDA with other civil society organisations, which are also working on programmes with MPs, has helped to keep women's rights visible and emphasised their importance.
- FIDA's ability to work with both the Government and opposition parties on matters of principle has enhanced its credibility and illustrated that gender equality issues are beyond partisan politics.
- Linkage between FIDA and individual MPs as well as structures, such as Kewopa and government ministries, provide strategic entry points and strengthen voices on women's rights issues in and out of Parliament.

Challenges

- Fluctuating political will due to regime changes and elections see some supportive MPs dropped by the electorate. This often implies wooing a new crop of MPs, which takes time and reduces already established momentum.
- Lack of prioritisation of gender equality as a national issue reduces the focus on it at all levels.
- Prevalence of cultural beliefs and practices that resist gender equality and violate women's rights minimise gains made and result in backlashes.
- Lip-service to gender equality by some legislators frustrates and negates the amount of energy and resources spent on the venture.
- Difficulty in mobilising MPs lead to frustrations in planning events.
- The types of venues used for the training activities (five star hotels), hefty per diems and air fares make the venture very expensive.

Lessons

In terms of things FIDA has learnt in working with MPs, the following came out from the survey:

- The use of parties and their whips to mobilise MPs is often successful.
- The use of individual MPs to mobilise others generates personal commitment.
- The use of a give-and-take-approach assures MPs that it is gainful to associate with and support FIDA positions.
- Mobilising policy makers is very involving and requires advance planning, persistence and patience.
- It is possible and gainful to objectively work with both the Government and opposition on matters of principle.
- Lobbying behind the scenes works.
- Good rapport translates into support.
- MPs respond, when they are approached consistently by a recognisable person, in the case of FIDA, the Executive Director.



*CNU workshop on Mainstreaming Gender and Human Rights.
Whitesands Hotel on 16th-17th April 2004.*

Recommendations

Respondents were asked to suggest what FIDA can do to create greater impact with MPs through legislation and policy reform. The suggestions floated are presented below and followed by the consultant's own suggestions

Recommendations by Respondents

Dialogue, rapport and partnership

- Sustain dialogue with MPs.
- Work behind the scenes with MPs.
- Work with relevant parliamentary committees more intimately.
- Capacitate MPs to be FIDA's ambassadors because FIDA cannot be everywhere.
- Strengthen public relations to brush up FIDA's image³⁰ by visiting constituencies and meeting with the grassroots. Liaise with MPs to provide such forums and get media coverage.
- Hold more inter-party consultations.
- Back up female MPs continuously.

Technical Support

- Draft Bills and amendments to be taken to the Attorney-General. Then lobby committees and ask a specific MP to move the Motion on the floor of the House, i.e., do not expect the MPs to do the tedious technical work.

Research

- Go through existing legislation with a tooth comb to identify legislative and policy gaps as well as unearth the schedules and regulations (details) that complicate them and are imbued with insensitivity.

Prioritisation

- Focus on amendments to existing laws that are insensitive because this is much easier than developing new legislation.
- Consolidate gains made and build upon them realistically without trying to push for too much.

Interventions Addressing Practical Needs

- Assist MPs to assist women on the ground, i.e., go beyond advocacy and implement programmes that address practical issues, e.g., training of women on resource mobilisation, political empowerment and constituency based work with MPs.
- Decentralise and open up more FIDA branches in districts.

³⁰ During the August 2004 inter-party consultation, one speaker observed that Fida's motto "Putting Women First" presents the notion that the organisation is anti-men and is not actually seeking equality but women's hegemony.

Outreach

- Conduct constituency level seminars/workshops, especially to empower women and reduce their economic dependency on handouts from men.
- Focus on FIDA's core competency (legal aid and policy influencing), e.g., by piloting legal aid in selected constituencies in collaboration with the MPs to illustrate how things can work.
- Devolve information to more people on violations of women's rights, e.g., violence, matrimonial property etc.

Sensitisation, Exposure and Information

- Reach out to more MPs, especially the male ones, to educate them on what FIDA stands for. This would remove FIDA-phobia and galvanise their support.
- Send more MPs on exposure trips.
- Instead of preferring legislation and litigation, prioritise education to deal with entrenched cultural practices, such as FGM, so that initiatives are not seen to be intent on annihilating culture.
- Publish a regular informative newsletter to distribute to MPs.

Lobbying

- Lobby for a minimum number of women MPs not less than 30.
- Continue lobbying for domestication of international instruments and gender mainstreaming at all levels in public and private spheres.
- Lobby for support to Bills that are gender sensitive.

Sensitivity

- Be wary of mob mentality in parliamentary voting which defeats even good Motions.
- Listen more to the MPs' vocal and body language.
- Follow up criticisms or misgivings by MPs on women's rights or related Bills so that understanding is created before Bills are debated and voted on.

Overcoming Obstacles to Effectively Utilising FIDA Training

- Increased institutional support from NGOs.
- Increase in number of NGOs tackling gender imbalances.
- Prioritisation of gender in national development and politics.
- Expansion of FIDA (e.g. number of lawyers) to cover more needy women.
- Civic education and sensitisation of communities, especially women, to empower them to seek their rights, particularly for women in marginalised areas.
- Reduction of FIDA's "elitism".
- Increasing the number of women in Parliament.

Consultant's Recommendations

While endorsing the recommendations made by the respondents for consideration by FIDA in its future work with legislators, the consultant also makes the following specific recommendations.

Mobilisation Strategies

FIDA should continue utilising the strategies that have proved effective in mobilising MPs namely: personal rapport with legislators, through their parties, parliamentary committees and inter-party consultations.

Objectivity

The culture of acknowledging positive steps taken by the Government to mainstream gender should be sustained. However, it should not compromise the critical identification of areas that still need to be worked on.

International Instruments on Women's Rights

While acknowledging that FIDA distributes the international human rights instruments to the MPs during its activities with them, it is recommended that the instruments be compiled into a standard bound package that can be sent to all the MPs as part of FIDA's information sharing activities. As the bulk of such a package could intimidate those not used to frequent and heavy reading, FIDA could make the packages more attractive by actually developing digests out of the instruments to present their key provisions and highlights.

Use of Various Parliamentary Opportunities

There is need to sensitise and strategise with MPs on how they can make greater use of the parliamentary options open to them in order to influence legislation on women's right issues. Specific workshops can be dedicated to just developing strategies on the use of these options to push forward specific legislative agenda.

Gender Insensitive Structures and Procedures of Parliament

- FIDA should closely work with Kewopa to push for mandatory inclusion of women parliamentarians in the parliamentary committees and to introduce Motions that would address the currently insensitive procedures, practices and structures. While Kewopa would be able to offer insider information on how best to do this within parliamentary provisions, FIDA would be best poised to provide research and documentation to support the desired positions.
- In consultation with Kewopa and the MPs FIDA has sponsored to study tours abroad, FIDA should develop a checklist on what a gender sensitive Parliament is. This checklist can be used to point out the insensitivity of Parliament and to audit any changes over the years. It could also form part of FIDA's repertoire of tools for documenting progress and regression.

Increasing Gender Sensitivity of Parliament

The gender sensitisation of parliamentarians should continue and seek to cover those not yet reached, majority of whom are male.

Government in which the Kenya government had not got involved. He said, however, that the government was aware of the complaint which had been forwarded to the British High Commission. Tarus was responding to a question by Hon. Ruth Oniang'o who sought to know the terms and conditions of the agreement between the Kenya and British governments on the military training exercises that led to the rapes. She also wanted to know how many complaints had been lodged and what the government was doing to ensure that the claims were settled and that the conduct of foreign troops was checked.

East African Standard October 18, 2003

Speaking at a Pokot cultural day focusing on Female Genital Mutilation (FGM), Hon. Samuel Moroto (Kapenguria) and Hon. Philip Rotino (Sigor) said FGM hindered community development and impacted negatively on education because it led to high drop out rates and early marriages.

Daily Nation November 4, 2003

Hon. Beth Mugo called upon the police to investigate the rape claims by Samburu women against British soldiers. She dismissed protestations that the claims were fake citing that the evidence was there in the form of the children born out of the rape. She was remarking on the wake of a march by 500 victims of rape and their children after refusing to be interrogated by the British Royal Military Police. Samburu East MP, Hon. Sammy Leshore, supported the call by the women to have new officers conduct the investigations.

East African Standard November 5, 2003

A writer from the paper castigated Fred Gumo for lambasting FIDA while in the company of Hon. Sospeter Ojaamong who was having a domestic violence case running in court.

East African Standard November 7, 2003

Hon. Najib Balala, Minister for Gender, Sports, Culture and Social Services reported to have said that the National Gender and Development Commission Bill had been published. He added that "women in Kenya form the biggest fraction of the marginalised and poor population and without gender equity, the full potential of every Kenyan cannot be harnessed for national development". Balala was speaking during the launch of the Institute for Gender Equity, Research and Development at Moi University.

Daily Nation November 7, 2003

Editorial commentaries and letters to the editor castigating Hon. Gumo for his anti-women sentiments.

Daily Nation, November 16, 2003

Editorial commentaries and letters to the editor castigating Hon. Gumo for his anti-women sentiments.

East African Standard November 18, 2003

Nominated Kanu MP, Hon. Professor Ruth Oniang'o, wrote an article on the plight of the Samburu rape victims declaring that being a woman and an MP compelled her to comment on the case. Classifying rape as a crime, she castigated those who claim the women alleging rape had just indulged in romance and pointed out that rape is a shameful act that no right thinking person would claim it if it did not happen. She mentioned having raised it as a question to the Minister for Internal Security and Provincial Administration. Citing the march by the women and their children

Kewopa

The Kenya Women's Parliamentary Association is a strategic partner that FIDA should link up with in a systematic manner. As Kewopa matures and institutionalises, it should become a primary entry point for FIDA's work on legislation in terms of initiating action, mobilising support, strategising and capacity building for women legislators to be effective in their work.

Maximising on Supportive MPs

- Given that FIDA currently knows which MPs are supportive of its cause, it should consider even holding forums specifically for such MPs in order to intensively consult on the best ways of doing business with legislators. It could also introduce a scheme of recognising and/or rewarding legislators, who have been steadfast in supporting gender responsive legislation and policy making. Objective ways of identifying such exemplary legislators can be developed internally.
- In order to make the voices of those supporting the women's rights cause heard, FIDA may consider hosting or sponsoring media talk shows in which such MPs would be invited to articulate their standpoints.

General Support to MPs

- Many MPs would benefit from FIDA's presence in their constituencies. But given that this is a practical impossibility, the idea of legal open days can be used to create such a presence. In this case, FIDA should establish an annual programme of legal open days targeting a minimum number of constituencies per year. It can then liaise with the respective MPs on the organisation and holding of such days.
- As it continues to provide information to MPs and assist clients referred to it, FIDA should also develop a roll of other civil society organisations and NGOs that offer women-specific services and distribute such a roll to the MPs to widen their knowledge of referral points on issues that are not purely of a legal nature.

Auditing of Government Performance

The shadow report FIDA presented to the CSW meeting in New York in March 2004 should be used to monitor progress in addressing the various issues raised. Specifically, it should be used to:

- Launch an investigation into the effect of the free primary education on the education of girls.
- Press for legislation on the re-entry policy for girls who become pregnant while in school.
- Press for the tabling of the HIV/AIDS Prevention and Control Bill.
- Press for the appointment of more women into leadership positions.
- Lobby for support to the re-drafted Family Protection Bill.
- Lobby parties to maintain the mandatory minimum number of women in their structures and for nomination to Parliament as well as to increase the number of women they support for elective office.

- Launch the inventorisation of gender insensitive laws and institute action with parliamentarians to have them amended.
- Lobby the Ministry of Health on reproductive health issues such as the female condom, maternity leave and free maternity services in Government hospitals.

Documentation

FIDA should document case studies on the experiences of supportive MPs in legislative work especially on strategies used to rally support for certain Bills and positions. Such documentation would be useful for historical purposes as well as for recording strategies that work to aid institutional memory and future replication.

Conclusion

On the whole, both FIDA and the MPs reached in the survey consider the venture a worthwhile activity that should be continued. But it needs to be given time to mature to achieve the desired parliamentary sensitivity to support the women's rights cause without much ado. This principally calls for reaching out to more MPs, targeting of those who have specifically not been reached, importunately sensitising those that have been reached but are still resistant, and maximising on those who are already supportive to sensitise and mobilise their colleagues.

Annex One: List of Respondents

Individual Respondents					
#	Name	Sex	Constituency	Party	
1	Hon. Robinson Githae, Asst Minister for Justice and Constitutional Affairs	Male	Ndia	NARC	
2	Hon. Njoki Ndungu	Female	Nominated	NARC	
3	Hon. Billow Kerrow	Male	Mandela Central	KANU	
4	Hon. Mwanchia Okioma	Male	Kitutu Masaba	Ford People	
5	Hon. Jimmy Angwenyi	Male	Kitutu Chache	Ford People	
6	Hon. Jayne Kihara	Female	Naivasha	NARC	
7	Hon. Jim Choge	Male	Aldai	KANU	
8	Hon. Esther Keino	Female	Nominated	KANU	
9	Hon. Najib Balala, then Minister for Gender, Sports, Culture and Social services	Male	Mvita	NARC	
Group Respondents					
10	Hon. Bonaya Godana	Male	North Horr	KANU	
11	Hon. William Ruto	Male	Eldoret North	KANU	
12	Hon. Marsden Madoka	Male	Mwatate	KANU	
Key Informant					
	Name	Sex	Constituency	Party	Attribute
13	Hon. Beth Mugo, Assistant Minister for Education	Female	Dagoretti	NARC	Chair of Kewopa
FIDA Staff					
	Name	Sex	Position		
14	Enid Muthoni	Female	Team Leader, Women's Rights Monitoring Programme.		
15	Alice Maranga	Female	Staff member in the Women's Rights Monitoring Programme.		

Annex Two: List of Activities held by FIDA for MPs

Year	Activities
1998	FIDA presented the document “Women as Partners Within the Constitution Review Process” to the parliamentary committee on the constitutional review process at Bomas of Kenya.
2000	FIDA hosted a workshop in Nairobi to disseminate the draft Equality Bill.
2001	Workshop for Health and Legal affairs Committees of Parliament
	Workshop for parliamentarians on “The Role of Parliamentarians in the Implementation of International Treaties and Conventions”
	FIDA simplified and produced an information pack on the Domestic Violence Bill and disseminated it to all 220 MPs
	FIDA hosted a workshop for parliamentary select committees (Health, Housing, labour and Social welfare), NGOs, advocacy groups and other interested parties on developing linkages for legislative advocacy.
2002	FIDA held dissemination and lobbying luncheon at Inter-Continental Hotel for MPs on the Domestic Violence Bill. 15 MPs attended and expressed their support for the Bill.
	Held consultative forums for MPs on creating an enabling environment for gender sensitive legislation at Indian Ocean Beach Club
2003	Memorandum to the PS, Ministry of Gender, Sports, Culture and Social Services
	Workshop for Kanu parliamentarians to strengthen human rights and nurture democracy (Different from one below?)
	Workshop for opposition leaders to strengthen human rights and nurture democracy
	Workshop for assistant ministers to enhance their understanding of women’s rights under their dockets.
	Kenya Women’s Parliamentary Association Workshop
2004	Opening of the FIDA Mombasa office
	Gender and human rights mainstreaming workshop for opposition political parties under the auspices of the Coalition for National Unity.
	Memorandum to the Head of the Civil Service and Secretary to the Cabinet (document undated)
	Study tour to Scandinavian countries
	Breakfast meeting with MPs at Serena Hotel, Nairobi
	Inter-parties consultation on the Family Protection Bill in Mombasa
	Inter-parties consultation on the Family Protection Bill in Naivasha

Annex Three: Number of Respondents who attended various FIDA Events

Year	Activities	Tally
2001	Workshop for Health and Legal Affairs Committees of Parliament	Nil
	Workshop on "The Role of Parliamentarians in the Implementation of International Treaties and Conventions"	1
	Workshop for parliamentary select committees (Health, Housing, Labour and Social Welfare), NGOs, advocacy groups and other interested parties on developing linkages for legislative advocacy.	Nil
2002	Dissemination and lobbying luncheon at Inter-Continental Hotel for MPs on the Domestic Violence Bill.	1
	Consultative forums for MPs on creating an enabling environment for gender sensitive legislation at Indian Ocean Beach Club	1
2003	Study tour to Scandinavian countries	Nil
	Workshop for Kanu MPs to strengthen human rights and nurture democracy	5
	Workshop for assistant ministers to enhance understanding of women's rights under their docket.	1
	Kewopa Workshop	4
2004	Opening of the FIDA Mombasa office	2
	Gender and human rights mainstreaming workshop for Coalition for National Unity.	7
	Study tour to Scandinavian countries	2
	Breakfast meeting with MPs at Serena Hotel, Nairobi	3
	Inter-parties consultation on the Family Protection Bill in Mombasa	9
	Inter-parties consultation on the Family Protection Bill in Naivasha	4
	Cumulative Tally of Attendance	40

Annex Four: Newspaper clippings on Women's Rights issues

Wako

East African, February 24-March 2, 2003

The Minister for Trade and Industry, Hon. Mukhisa Kituyi warned the Export Processing Zones authorities and investors against sexually harassing and racially discriminating against women. He was supported by Assistant Labour Minister, Hon. Peter Odooyo, who added that women were promised salary increments in exchange for sex and maternity leave allowances.

Kenya Times, March 3, 2003.

Vice-president, Hon. Moody Awori together with Nominated MP, Hon. Dr. Julia Ojiambo said that old fashioned customs should not be used to impede widows from managing the estates of their deceased spouses.

Kenya Times March 9, 2003

The Minister for Gender, Sports, Culture and Social Services, Hon. Najib Balala, supported the Gender Commission and Development Bill, to help co-ordinate and facilitate gender mainstreaming in national development since it contained gender sensitive provisions on politics and proposed to establish a fund to help victims of domestic violence.

Daily Nation, March 31, 2003

The Vice President, Hon. Moody Awori, said that the proposal by the Domestic Violence Bill that all cases relating to sexual offences be heard *in camera* was good because it would protect the identity and privacy of victims.

East African Standard April 25, 2003

Kerio South MP, Hon. Nicholas Biwott, opposed the provision in the draft constitution allowing women to inherit property from their parents and husbands and the proposal to reserve 90 parliamentary seats for women. Hon. Biwott disagreed saying that since women are the majority voters, they should elect their own to fill the "representation gap".

Daily Nation April 29, 2003.

Cabinet Minister, Hon. Linah Kilimo, giving her personal example of escaping genital mutilation, said that cultural practices which violate women's rights should be fought. She said this during the FIDA-East Africa workshop when she appealed to organizations fighting female circumcision to go to the grassroots and stop concentrating on conferences and workshops.

Kenya Times July 7, 2003

The Minister for State in the Office of the Vice-president and Ministry of National Reconstruction, Hon. Linah Kilimo called upon parliamentarians to educate their constituents on the adverse effects of Female Genital Mutilation (FGM).

Kenya Times July 8, 2003

The former MP for Butere, Hon. Dr. Amukowa Anangwe, said that the association of Kanu with FIDA should be viewed as a positive move to end injustices and discrimination based on gender. The partnership, he said, was geared towards fulfilling the party mandate of embracing a culture that promotes human rights and good economic governance.

East African Standard July 8, 2003

Hon. Linah Kilimo attributed female dropout from school, early marriages and illiteracy to FGM. She challenged leaders in Trans Mara District who were supporting the practice to stop it. "It is unfortunate that cases of FGM and early marriages among some communities in the country are on the increase despite the practice being outlawed by the Government", she said.

Daily Nation July 9, 2003

Editorial commentaries and letters to the editor castigating Hon. Gumo for his anti-women sentiments.

East African Standard July 14, 2003

Nominated MP, Hon. Cecily Mbarire, reported to have called for the legalisation of abortion while speaking at the launch of the Society for International Development Journal. She said that making the practice illegal had not deterred it, adding that the Family Protection Bill seeks to improve women's lives. Reading a speech on behalf of Hon. Charity Ngilu, Minister for Health, Mbarire said that the government had opened up post-rape treatment centres in Thika, Kilifi and Rachuonyo. Hon. Dr. Naomi Shabaan called for dialogue among church, political leaders and government on the way forward with abortion while Hon. Adelina Mwau called for its legalisation.

East African Standard July 24, 2003

Hon. Linah Kilimo called for review of the Children's Act to ban female circumcision citing that it prevailed in North Eastern Province (100%), among the Gusii (97%), Maasailand (89%) and among the Kalenjin (62%). She said that the Act only incriminated the practice for those below 18 years hence assuming that the effects disappear after that age. Speaking at a workshop organised by the Building East African Network (Beacon) and Norwegian Church Aid, Hon. Kilimo noted that six million women in Kenya have reportedly undergone FGM, a practice that violates human and women's rights.

Daily Nation August 2003 (date?)

The MP for Olkalau, Hon. Karue Muriuki, contributing to the constitutional review debate, tabled a new motion on affirmative action seeking a chapter to address imbalances based on gender, age, regions and disabilities justifying this by the fact that the constitutional conference sought to create a new social order with social security systems to cater for the less fortunate and vulnerable members of the society.

Kenya Times October 5, 2003

FIDA hailed President Kibaki for appointing the following women into important positions.

- Prof Maria Nzomo – High Commissioner to Zimbabwe
- Raychelle Omamo – Ambassador to France
- Mary Donde Odinga – Ambassador to Egypt
- Violet Mavisi – Deputy Chair, Kenya National Human Rights Commission
- Fatuma Sichale – Vice Chair, Anti-Corruption Board

Kenya Times October 9, 2003

Assistant Minister in the Office of the President, Hon. Stephen Tarus, informed Parliament that the government had not yet received official complaints by the Samburu and Laikipia women claiming rape by British soldiers saying that it was a case between the complainants and the British

Government in which the Kenya government had not got involved. He said, however, that the government was aware of the complaint which had been forwarded to the British High Commission. Tarus was responding to a question by Hon. Ruth Oniang'o who sought to know the terms and conditions of the agreement between the Kenya and British governments on the military training exercises that led to the rapes. She also wanted to know how many complaints had been lodged and what the government was doing to ensure that the claims were settled and that the conduct of foreign troops was checked.

East African Standard October 18, 2003

Speaking at a Pokot cultural day focusing on Female Genital Mutilation (FGM), Hon. Samuel Moroto (Kapenguria) and Hon. Philip Rotino (Sigor) said FGM hindered community development and impacted negatively on education because it led to high drop out rates and early marriages.

Daily Nation November 4, 2003

Hon. Beth Mugo called upon the police to investigate the rape claims by Samburu women against British soldiers. She dismissed protestations that the claims were fake citing that the evidence was there in the form of the children born out of the rape. She was remarking on the wake of a march by 500 victims of rape and their children after refusing to be interrogated by the British Royal Military Police. Samburu East MP, Hon. Sammy Leshore, supported the call by the women to have new officers conduct the investigations.

East African Standard November 5, 2003

A writer from the paper castigated Fred Gumo for lambasting FIDA while in the company of Hon. Sospeter Ojaamong who was having a domestic violence case running in court.

East African Standard November 7, 2003

Hon. Najib Balala, Minister for Gender, Sports, Culture and Social Services reported to have said that the National Gender and Development Commission Bill had been published. He added that "women in Kenya form the biggest fraction of the marginalised and poor population and without gender equity, the full potential of every Kenyan cannot be harnessed for national development". Balala was speaking during the launch of the Institute for Gender Equity, Research and Development at Moi University.

Daily Nation November 7, 2003

Editorial commentaries and letters to the editor castigating Hon. Gumo for his anti-women sentiments.

Daily Nation, November 16, 2003

Editorial commentaries and letters to the editor castigating Hon. Gumo for his anti-women sentiments.

East African Standard November 18, 2003

Nominated Kanu MP, Hon. Professor Ruth Oniang'o, wrote an article on the plight of the Samburu rape victims declaring that being a woman and an MP compelled her to comment on the case. Classifying rape as a crime, she castigated those who claim the women alleging rape had just indulged in romance and pointed out that rape is a shameful act that no right thinking person would claim it if it did not happen. She mentioned having raised it as a question to the Minister for Internal Security and Provincial Administration. Citing the march by the women and their children

to the Ministry of Justice and Constitutional Affairs on August 14, 2003, Oniang'o noted that the Assistant Minister in the Ministry promised on television that something would be done about the women. She called on the two ministries to tell Kenyans what was being done about the issue.

Daily Nation November 23, 2003

Cotu Secretary-General, Mr. Francis Atwoli, supported women parliamentarians' demand to be allowed to carry bags into the House. National Assembly Speaker, Francis Ole Kaparo did not comment but preferred silence until he received a copy of the complaint letter in his office. Hon. Fred Gumo and Hon. Franklin Bett (Narc nominated) reported to have challenged women MPs to abide by the existing rules until they were changed. "They just want to attract attention", Gumo is reported to have said. "They must remember that they are law makers and must respect laws. If they are unhappy with the rules, they should work to have them changed".

East African Standard November 27, 2003

Hon. Robinson Githae, Assistant Minister for Justice and Constitutional Affairs, reported to have praised FIDA for its work in helping abused women express their plight. He was speaking at an advocacy forum organised by COVAW in Nairobi. He said that the government was willing to work closely with civil society on the Domestic Violence (Family Protection) Bill. Nominated MP, Hon. Adelina Mwau at the same forum called upon Hon. Fred Gumo to quit his cabinet post for supporting a retrogressive stand in response to Hon. Gumo's accusation earlier that FIDA breaks homes and is full of divorcees. Hon. Gumo had made the remarks on November 2, 2003. Former MP, Hon. Josephine Sinyo called violence against women as violence against God.

Daily Nation, December 2, 2003

Hon. Linah Kilimo said that the government aimed to establish a Gender Commission to highlight contributions of women and implement Affirmative Action to facilitate the placement of women in key leadership positions and decision making processes as part of narrowing the gender gap.

Sunday Times December 2, 2003

The chairperson of Kenya Women Parliamentarians Association (Kewopa), Hon. Beth Mugo, said that women had vowed to protest strongly on "the current trend of marginalizing women in leadership appointments in government positions". The Dagoretti MP said that the Narc constituent parties had not appointed a third of women as agreed by the party's topmost organ, the Summit.

East African Standard December 5, 2003

FIDA carried a supplement calling on the government to remove the 46% tax imposed on sanitary towels (16% VAT and 30%) pointing out that the taxes increase the prices of the consumer items, lead to girls dropping out of school during menses, and some altogether, and caused girls to use unsafe alternatives e.g. blankets, tissue paper etc

Kenya Times December 5, 2003

Assistant Minister for Gender, Sports, Culture and Social Services, Hon. Alicen Chelaite warned the FGM practitioners that they faced arrest.

East African Standard December 5, 2003

Hons. Njoki Ndungu, Cecily Mbarire, Beth Mugo, Adelina Mwau, Jayne Kihara, Julia Ojiambo, Betty Tett and Esther Keino visited at Nairobi Women's Hospital a 4 year-old girl who had been defiled. They pledged to assist in paying the girl's hospital bill of Kshs 500,000.

East African Standard December 6, 2003

FIDA chairperson Joyce Majiwa reported to have asked for removal of tax on sanitary towels while presenting a Kshs 50,000 donation to the Kenya Union of Journalists towards the Journalist of the Year award.

Kenya Times December 10, 2003

- Assistant Minister for Gender, Sports, Culture and Social Services, Hon. Alicen Chelaite, said that women were sidelined in policy making and key positions in the country. She called for enactment of laws aimed at protecting women and girls from sexual exploitation and harassment.
- Hon. Beth Mugo expressed the women's disappointment from news of MPs having allegedly been captured by the media while soliciting commercial sex. She criticised the discriminatory act of police locking in the girls yet leaving their male counterparts free.
- Nominated MP, Hon. Amina Abdalla, in parliament asked the Attorney General about the measures he had put in place to contain defilement and to make a statement on the rape of a four-year old girl by a man aged 30. Observing that the rape of minors was on the increase because of extreme societal tolerance of perverts, she proposed that perpetrators should be castrated. She also castigated the police for poorly handling such issues especially on the issuance of P3 forms.

Kenya Times December 17, 2003

Parliament passed the National Gender and Development Bill paving way for the establishment of the Gender Commission. Hon. Mutula Kilonzo reported to have pointed out omissions in the Bill e.g. that it did not incorporate the laws that prohibit FGM, wife inheritance, domestic violence and customary marriage which continue to haunt women.

Daily Nation December 19, 2003.

Hon. Beth Mugo called for stringent laws on rapists victims to help restore the dignity of children.

East African Standard December 21, 2003

Hon. Adelina Mwau and Hon. Cecily Mbarire called for the arrest of men who solicited commercial sex. "Men who go buying such services are also prostitutes and should be arrested and charged in court", they said while commenting about the police crackdown on sex workers on Koinange Street in Nairobi leading to arrest and imprisonment of several sex workers.

Daily Nation December 23, 2003

On the controversial issue of whether to legalize abortion or not, Nominated MP, Hon. Njoki Ndung'u challenged doctors, religious personalities and other leaders to discuss abortion with open minds devoid of emotion and sentimentality. This, she said, was to save more than 10,000 women who die annually from abortion complications.

Sunday Times January 25, 2004

At the launch of the Forum for Single Women's Rights, Hon. Njoki Ndung'u decried the tendency to define women by their marital status.

East African Standard February 2, 2004

At the opening ceremony of FIDA's office in Mombasa, Hon. Karisa Maitha challenged men to declare the number of wives they had. "What is the big deal in saying I have two or three or five

wives", he asked adding that he had three and cared for them all. At the same function, Hon. Balala assured FIDA of government commitment to bridging gender disparities. Others in attendance were Attorney-General, Amos Wako and Hon. Robinson Githae.

Standard February 4, 2004

During the launch of a training programme to strengthen rural women's capacity for community development at JKUAT, Hon. Kilimo decried discrimination against women.

Daily Nation February 12, 2004

Wajir South MP, Hon. Ali Hassan, called for stiffer punishment for rapists.

Daily Nation February 22, 2004

Responding to an appeal by Hon. Charity Ngilu, President Kibaki waived taxes on sanitary towels so they could be affordable to women and girls. Speaking at the launch of the Women's Aids Conference on February 21. Kibaki also emphasised partnership between women and men in fighting AIDS.

East African Standard February 29, 2004

FIDA, Institute for Education in Democracy, Kenya Human Rights Commission and League of Kenya Women Voters hailed President Kibaki's waiver of tax on sanitary towels during the National Women's Aids Conference. The waiver was officially followed up in the Budget Speech on June 10, 2004 by Finance Minister, Hon. David Mwiraria when he reduced the excise duty from 35% to 25% and removed the VAT of 16%. In the acknowledgement, the organisations singled out the following MPs for their support in lobbying for the action: Hon. David Mwiraria, Hon. Charity Ngilu, Hon. Martha Karua, Hon. Anyang' Nyong'o and Hon. Njoki Ndungu.

East African Standard March 8, 2004

In marking the International Women's Day, Hon. Najib Balala revealed that the draft National Policy on Gender and Development received cabinet approval in May 2002. The policy aimed to translate the international instruments into the domestic context. He also acknowledged that the government had enacted the National Commission on Gender and Development.

Daily Nation March 18, 2004

FIDA Kenya commended the Minister for Gender, Sports, Culture and Social Services, Hon. Najib Balala for affirming the rights of women against discrimination as enshrined in the constitution (Muthoni Gichohi, FIDA Council Secretary). Joyce Majiwa, Chairperson, FIDA-Kenya, appreciated the President's directive to stop taxation on sanitary towels because to her, menstruation is a biological function. She also proposed the provision of anti-retroviral drugs in district hospitals to ease the suffering of those infected by HIV, the majority being women.

East African Standard April 8, 2004

The MP for Sotik, Hon. Anthony Kimetto, commended a move by the Education for Women in Democracy to stop FGM in his constituency and have the circumcisers helped to get alternative sources of livelihoods.

East African Standard April 17, 2004

Hon. Linah Kilimo officiated at the launch of *As Beautiful as God Made Me, Say No to Female Circumcision*, a video made by Loreto Sisters.

East African Standard April 20, 2004

The Kenya Women Parliamentarians Association (Kewopa) reported to have held talks with President Kibaki on their welfare in and out of Parliament i.e.

- They feel invisible in the day to day running of legislative affairs.
- Inadequate number of women considered for parastatal jobs, cabinet positions and ambassadorial appointments.
- Unfair distribution of members on parliamentary committees (they pressed for proportional representation).
- Low profile of women in political parties.

They asked for the elevation of the Gender Department in the Ministry of Gender, Sports, Culture and Social Services into a full fledged ministry.

Daily Nation June 23, 2004

80 girls who were supposed to be circumcised were rescued by the Kenya National Council on Traditional Practice, a consortium of 15 NGOs patronised by Hon. Linah Kilimo and among whose members is Hon. Alicen Chelaite, Assistant Minister for Gender, Sports, Culture and Social Services. The NGO was started in 1985.

Sunday Times December 14, 2003

A survey sponsored by German Technical Cooperation and Trans Mara Development Programme revealed that 99% of mothers and 46% of their daughters in Trans-Mara District were circumcised. Of the youths interviewed, 68% had sisters who were circumcised and 49% male parents also had their daughters circumcised. Citing these findings, Hon. Linah Kilimo warned chiefs perpetrating FGM that they would be fired.

Annex Five: Frequency table on topics commented on by various MPs as covered by Print Media

#	Name of MP	Sex	Subject	Frequency	Total
1	Linah Kilimo	Female	<ul style="list-style-type: none"> Female Genital Mutilation Discrimination against women Affirmative Action Early marriages 	9 1 1 2	13
2	Prof. Ruth Oniang'o	Female	<ul style="list-style-type: none"> Rape (British soldiers' rape scandal) 	2	2
3	*Josephine Sinyo	Female	<ul style="list-style-type: none"> Domestic Violence 	1	1
4	Beth Mugo	Female	<ul style="list-style-type: none"> Rape (British soldiers' rape scandal) Marginalisation of women from leadership positions Commercial sex Defilement 	1 1 1 2	5
5	Cecily Mbarire	Female	<ul style="list-style-type: none"> Abortion Defilement Commercial sex 	1 1 1	4
6	Dr. Naomi Shabaan	Female	<ul style="list-style-type: none"> Domestic violence Bill 	1	1
7	Adelina Mwau	Female	<ul style="list-style-type: none"> Abortion 	1	3
8	Njoki Ndungu	Female	<ul style="list-style-type: none"> Abortion Defilement Commercial sex 	1 1 1	4
9	Jane Kihara	Female	<ul style="list-style-type: none"> Single women's rights Sanitary towels (referred) Legalisation of abortion Defilement 	1 1 1 1	1
10	Dr. Julia Ojiambo	Female	<ul style="list-style-type: none"> Defilement 	1	1
11	Betty Tett	Female	<ul style="list-style-type: none"> Defilement Widows' property rights 	1 1	2
12	Esther Keino	Female	<ul style="list-style-type: none"> Defilement 	1	1
13	Amina Abdalla	Female	<ul style="list-style-type: none"> Defilement 	1	1
14	Martha Karua	Female	<ul style="list-style-type: none"> Defilement 	2	2
15	Charity Ngilu	Female	<ul style="list-style-type: none"> Sanitary towels 	1	1
16	Alicen Chelaite	Female	<ul style="list-style-type: none"> Sanitary towels Rape 	2 1	3
17	Antony Kimetto	Male	<ul style="list-style-type: none"> Marginalisation of women from decision making Sexual exploitation/harassment Female Genital Mutilation 	1 1 1	3

18	Najib Balala	Male	• Female Genital Mutilation	1	1
19	Robinson Githae	Male	• Gender and Development Commission Bill	2	3
20	Ali Hassan	Male	• Domestic Violence	1	1
21	Sammy Leshore	Male	• Rape	1	1
22	Mutula Kilonzo	Male	• Rape (British soldiers' rape scandal)	1	1
23	Stephen Tarus	Male	• Gender Commission	1	1
24	David Mwararia	Male	• Rape (British soldiers' rape scandal)	1	1
26	Prof. Anyang' Nyong'o	Male	• Sanitary towels	1	1
27	Mwai Kibaki	Male	• Sanitary towels	1	1
28	Nicholas Biwott	Male	• Sanitary towels • HIV/AIDS	1 1	2
29	Moody Awori	Male	• Property rights of women (opposing) • Affirmative action (opposing)	1 1	2
30	Mukhisa Kituyi	Male	• Widows' property rights • Domestic Violence Bill	1	2
31	Peter Odoyo	Male	• Sexual harassment	1	1
32	Samuel Moroto	Male	• Sexual harassment	1	1
33	Philip Rotino	Male	• Female Genital Mutilation • Early marriages	1 1	2
34	Karue Muriuki	Male	• Female Genital Mutilation • Early marriages	1	1
35	Dr. Amukowa Anangwe	Male	• Affirmative Action	1	1
36	Fred Gumo	Male	• FIDA vs Kanu collaboration	1	1
37	Franklin Bett	Male	• Parliamentary rules barring women MPs from carrying bags into the chamber.	1	1

Annex Six: Questionnaire for FIDA Staff

1. What methods has FIDA used to mobilise and train MPs on the international human and women's rights instruments?
2. What was the rationale for choosing these methods?
3. Which of the methods have been most effective and how?
4. What are the core messages FIDA sends to the MPs through the activities?
5. What does FIDA require the MPs to do after the training/exposure?
6. How does FIDA back up the exposure in order to ensure that the capacity exists among MPs to do what they are expected to do?
7. Which of the MPs reached does FIDA regard as having demonstrated commitments to pushing the FIDA agenda forward?
8. How has this commitment been demonstrated?
9. How many requests has FIDA received for information from MPs that have participated in the activities?
10. What kind of information have the MPs been asking for?
11. Has FIDA been able to provide the information required? Yes____No____If not, why?
12. Does FIDA monitor or receive feedback on how the information provided is used? Yes____No____
13. Apart from information, what other type of back-up have MPs requested for?
14. Has FIDA been providing information even where it is not requested but when there is need for such information to influence an upcoming debate or event?
Yes____No____
15. Which international instruments have been domesticated since FIDA started working with MPs?
16. How have MPs sensitised by FIDA influenced the domestication of the instruments?
17. Which gender sensitive laws have been passed or initiated since the project began?
18. How have MPs sensitised by FIDA influenced the passing of these laws?
19. Is there any evidence of MPs reached by FIDA influencing the constitution review to address women's rights? Cite specific examples of MPs and their inputs.
20. Have any of the MPs reached written articles in the media or participated in radio and TV programmes to champion women's rights as a result of FIDA training? Yes____No____
If yes, provide examples citing what they focused on and whether they used materials provided by FIDA.
21. Is FIDA currently represented in the National Aids Council ? Yes____No____
If yes, how did it gain the representation?
22. What is the current status of the following Bills?

Bill	Status
Family Protection Bill	
Children's Bill (redrafted) of 2001	
Persons with Disabilities Bill	
National Commission on Gender and Development Bill	
Refugee Bill.	

23. What is FIDA's assessment of the contribution of MPs it has reached to the debate on the above mentioned Bills?
24. What linkages exist between FIDA and ministries for gender mainstreaming? Specify ministries and nature of linkages.
25. Do these linkages include an annual forum to review progress made by the government in gender mainstreaming? Yes ____ No ____
26. How has FIDA provided ministerial support on gender mainstreaming?
27. Does FIDA produce a gender scorecard annual report to monitor government's achievement on gender mainstreaming? Yes ____ No ____

If yes, provide samples

28. When did FIDA simplify and produce information packs on the Domestic Violence Bill and disseminate to MPs? How was this done? Please provide samples
29. During times when FIDA has attended parliamentary sittings, what has it observed to be the sensitivity of MPs it has reached to women's rights issues?
30. What does FIDA regard as the key strengths of the project?
31. What does FIDA regard as the key weaknesses of the project?
32. What lessons has FIDA learnt in working with MPs (what works and what does not work)?
- 32 How has FIDA used the lessons to improve its work with MPs?
- 33 What are FIDA's future plans for this project?

Other Comments

Annex Seven: Questionnaire for Members of Parliament

Respondent's Name		Respondent's Sex	
Respondent's Political Party		Constituency (Indicate if nominated)	
Post (Minister etc)			

1. Please tick in the table which FIDA activities you have benefited from.

Year	Activities	Tick
2001	Workshop for Health and Legal Affairs Committees of Parliament	
	Workshop on "The Role of Parliamentarians in the Implementation of International Treaties and Conventions"	
	Workshop for parliamentary select committees (Health, Housing, Labour and Social Welfare), NGOs, advocacy groups and other interested parties on developing linkages for legislative advocacy.	
2002	Dissemination and lobbying luncheon at Inter-Continental Hotel for MPs on the Domestic Violence Bill.	
	Consultative forums for MPs on creating an enabling environment for gender sensitive legislation at Indian Ocean Beach Club	
2003	Study tour to Scandinavian countries	
	Workshop for Kanu MPs to strengthen human rights and nurture democracy	
	Workshop for assistant ministers to enhance understanding of women's rights under their dockets.	
2004	Gender and human rights mainstreaming workshop for Coalition for National Unity.	
	Study tour to Scandinavian countries	

2. Indicate whether you are familiar with the following international instruments, whether you have a copy, where you got the copy from and tick if you have used it to inform your parliamentary work.

Instrument	Familiar (Yes/No)	Have a Copy (Yes/No)	Source of Copy	Has used instrument in my work (tick if yes)
a. Universal Declaration of Human Rights				
b. African Charter on People's and Human Rights				
c. International Covenant on Civil and Political Rights				
d. International Covenant on Economic, Social and Cultural Rights				

e. Convention on the Elimination of All Forms of Discrimination Against Women (and its optional protocol)				
f. UN Fourth World Conference on Women (Beijing Platform for Action)				
g. The Nairobi Forward Looking Strategies				

3. Would you say that your interaction with FIDA has made you a more gender sensitive legislator? Yes _____ No _____

If yes, briefly explain

4. What steps have you taken as a result of the training and awareness to influence laws and policy in favour of women's rights?

5. Have you ever sought any information from FIDA to assist you in your work as Member of Parliament? Yes _____ No _____

If yes, please indicate:

a) When _____

b) What you needed information for _____

c) Whether the information was provided _____

d) Whether it was adequate for your purposes _____

e) Whether it was provided in time for your use _____

f) How you used it _____

6. Have you ever referred any client to FIDA Kenya? Yes _____ No _____

If yes, was this before or after attending a FIDA Kenya activity?

Before _____ After _____

7. What, in your view, are some current gender insensitive laws that need to be addressed by Parliament?

8. Do you intend to do anything about them in the life of this Parliament? Yes _____ No _____

If yes, specify what you intend to do.

9. Please tick in the table below whether you have taken any of the listed initiatives and if so briefly explain

Question	Yes (tick)	No (tick)	If yes, briefly Explain
Have you ever initiated a parliamentary debate in support of women's rights?			
Have you ever asked questions in Parliament about what actions the government is taking to implement the international instruments concerning women's rights that it has ratified?			
Have you ever filed a petition or appended your signature to any petition on violation of women's rights?			
Have you ever moved a private member's motion seeking to domesticate international instruments protecting women's rights?			
Have you ever sought a ministerial statement on the violation of women's rights?			
Have you ever presented views on the violation of women's rights to the Legal Affairs Committee of Parliament?			
Have you ever participated in a television programme in which you propagated respect for and protection of women's rights?			
Have you ever participated in a radio programme in which you propagated respect for and protection of women's rights?			
Have you ever written a newspaper/magazine article in which you propagated respect for and protection of women's rights?			
Have you ever taken any steps to improve women's participation in the structures of your political party?			

10. What contribution have you made in Parliament or through other policy processes to advance the following?

Theme	Contribution
Family Protection and Domestic Violence Bill	
HIV/AIDS Prevention and Control Bill.	
National Commission on Gender and Development Bill	
Affirmative action and gender sensitive language in the draft constitution.	
Removal of taxes on sanitary towels and diapers.	
New laws governing matrimonial property;	
New laws governing marriage and divorce	

11. For the period that you have been in Parliament, can you say that the institution has become any more gender sensitive? Yes _____ No _____

If yes, briefly explain.

12. What major obstacles have you faced in effectively utilising the training by FIDA and/or information received from FIDA in your legislative work?

13. How can these obstacles best be overcome?

14. What do you think should be addressed in the structures and procedures of Parliament to make it women-friendly?

15. What suggestions would you make to FIDA in order to create greater impact with MPs in creating legislative and policy change for gender equality?

References

Daily Hansard (April 11-13, 2000, April 18-20, 2000, April 9, 2002, April 24, 2002, April 25, 2002, April 30, 2002, May 2, 2002, July 18, 2002), National Assembly.

FIDA Workshop Reports

...*Dissemination Workshop on the Draft Equality Bill* (2000), September 7, 2000

...*The Role of Parliamentarians in the Implementation of International Treaties and Convention*, 2001.

...*Workshop for Parliamentary Select Committees on Development of Strategies for Legislative Advocacy*, September 27-29, 2001

...*CEDAW Training Workshop*, October 11-12, 2002.

...*Strengthening Human Rights to Nurture Democracy* June 26-29, 2003.

...*Consultative Forum on Advancing Government Ministries Partnerships with Civil Society: A Workshop for Assistant Ministers*, September 26-28, 2003.

...*Mainstreaming Gender and Human Rights in the CNU Agenda: A Workshop for Kanu and Ford People Members of Parliament*, April 15-18, 2004.

Strategic Plan 2001-2005, Federation of Women Lawyers – Kenya, 2001.

Memorandum to the Permanent Secretary, Ministry of Gender, Sports, Culture and Social Services, January 9, 2003.

Memorandum to the Head of the Civil Service and Secretary to the Cabinet, 2004.

Setting the Pace: The 1999/2000 FIDA (K) Annual Report on Legal Status of Kenyan Women

Shadow Statement to the 48th Session of the CSW, March 1-12, 2004, New York.

Women as Partners within the Constitution Reform Process, FIDA, May 11, 1998

Notes



Federation of Women Lawyers Kenya

Amboseli Road, off Gitanga Road

P.O. Box 46324

Nairobi, Kenya

Tel: 254 020 573511, 570444 or 569956

E-mail: info@fida.co.ke

Web: www.fidakenya.org

Design and Layout by

